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CRUELTY: ON THE LIMITS OF HUMANITY

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE SOCIAL
SCIENCES IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

COMMITTEE ON SOCIAL THOUGHT

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CHICAGO,
ILLINOIS MARCH
2006

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ACKNOWLEDGEMENT

I am deeply grateful to my dissertation committee, Danielle Allen, Candace Vogler and Arnold Davidson. Each has been a brilliant teacher, and insightful and dedicated mentor to me. Their insights, advice, and encouragement have been invaluable. I would like to give special thanks to my advisor, Danielle Allen, for her fierce commitment, vigilant support, and care through all phases of my graduate work. George Shulman, my friend and mentor, has kept me honest, dedicated, and inspired. I would also like to deeply thank my parents, Bernie and Martha, my sister, Lara, my partner, Yesica, and my friend and colleague, Chris Ferro, for their constant support, love and wisdom.

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Chapter One

ORDINARY AND EXTRAORDINARY CRUELTY

The incidents of cruelty in history and literature seem too complex, too varied and too horrible to enumerate or classify. Cruelty appears in so many guises and is such an intimate violation that it seems absurd and perhaps disrespectful to subject it to philosophical analysis. We call the atrocities of Nazi Germany cruel. Torture is surely always cruel, as are child-abuse and rape. But we also label playground-bullies cruel, likewise taunting among people of all ages, even when no physical damage is done and the psychological effects are transient or minimal.

Can we speak of cruelty in general, based on an essentially cruel feature shared by the viciousness of children on the playground, which is sometimes cruel, and torture, which is always cruel? Do cruelty motivated by malice and cruelty motivated by misguided, but benevolent intentions share something essential? Some of these instances of cruelty involve gross moral or legal violations, or sadistic intent, others do not; some violate the same prohibitions, or result in severe damage to the victim, others do not. So if we are to label them all "cruel," it must not be on the basis of the act's involving a gross moral or legal violation, nor the intent to wound, nor on the violation of a specific moral or legal code. Does cruelty refer to a category of ethical violations different from others based on something shared in all cases? I will argue yes, and so we must find a way of talking about cruelty in general, as a proper concept, without equating the rape of a child by an adult with the taunting of a child by another child, or one man's torture with another's. This chapter aims to supply the

foundations for identifying acts of cruelty and understanding their moral peculiarity, which we cannot accomplish by focusing only on the extremity of the

particular moral or legal violations committed in any particular instance, or by the malicious intent of the perpetrator-the traditional markers of a cruel act.

This chapter will provide a skeletal sketch of the concept of cruelty, and its application to particular acts of cruelty that are distinguished by glaring differences of degree and context. This sketch will prepare the way for understanding the inhumanity and distinctiveness of cruelty even though the varied instances of it in history and literature share neither degree nor specific moral violations on the basis of which we might recognize these features. Once we identify the structure shared by diverse instances of cruelty, we **will** see that the inhumanity of cruelty can not be understood, as it all too commonly is, as consisting of any of the following: 1) the extremity of the moral and legal prohibitions violated in the particular instance at hand (many instances of cruelty do not, *prima facie*, involve extreme violations of moral codes or laws and such instances may not evoke the community's reproach); 2) the extreme violence against the victim (many instances of cruelty involve no physical violence at all); 3) nor in the inhuman motives of the perpetrator (history abounds with incidents of cruelty executed with indifference or even the kindest of intentions).

There are all sorts of acts that are cruel: real and imagined, in history, literature

and art. There are acts of cruelty motivated by malice; acts of cruelty

that also involve egregious violation of moral and legal codes. There are also, however, acts of cruelty motivated by benevolence; acts of cruelty that accord with the customs and sentiments of culture that harbors them; acts of cruelty that do not violate any explicit moral or legal codes. The diversity of acts that are cruel should not lead us, however, to conclude that

the concept of "cruelty" lacks definitive markers that indicate a distinct structure, common to all instances of it.

This chapter will establish that there are grounds for speaking of a certain kind of act as cruel. It will also establish that the distinguishing features of cruelty do not involve the violation of specific moral or legal codes, the degree of mental or physical violence committed in any particular instance, nor on the perpetrator's malicious intent. The rest of the project (chapters 2-5) is devoted to understanding in detail what makes cruelty unique among ethical concepts, why, despite its persistence throughout human history, it is considered to be inhuman, and the ethical importance of marking out a category of human deeds that move beyond humanity.

This chapter will rely on literary and historical examples of ordinary cruelty, extraordinary cruelty, and cruelty unaccompanied by vicious intent in order to extract the structure they share. Through these examples, we will see that cruelty turns the life form that should make its bearer a good one of its kind, with a flourishing life, back against it destructively. Due to any number of conditions, an individual's instantiation of a life-form (of a human, or a dung-beetle, for instance) may be thwarted, perverted, upended, exploited, or otherwise result in his degradation. In most cases, such perversion of a life-form is unfortunate, tragic, or the like. I will argue over the course of this dissertation that due to the nature of the human life-form, when these conditions are created for a creature by (another) human being, the result is cruelty.

This structure of perversion or reversal will serve as the defining characteristic of cruelty. By itself, this formulation excludes very little\ it is open to being interpreted in light of any number of world-views and moral theories, though it obviously takes its starting point in an interpretation of naturalism . The success of this formulation will depend on how we unfold each of the terms, which will happen in full over the course of this project. For now, let me begin by establishing the parameters for "life-form."

I follow Thompson in using "life-form" as a natural, apriori category that designates, in the case of the human, "a concept that attaches to a definite process of nature, one **which** has arisen on this planet, quite contingently, in the course of evolutionary history."³ "Life form" is the framework in which we understand the particular forms of living of the creatures that make up our world. That framework allows us to make sense of a creature's behaviors and traits as those which make life livable as that kind of creature, and that allow that creature to flourish as one of its kind. Or those features that make life meaningful, if it is a creature such as the human being, for which meaning is essential. We should understand the grammar of "life-form" as, Thompson argues, "akin to such logical or quasi-logical notions as object, property, relation, fact, or process."⁴ "There is" he continues, "no life without a life form, which

¹ This openness, rather than obscuring our view, will allow us to see cruelty's distinctness without excluding a certain range of differences in cultural and moral

outlooks.

² I am employing naturalism here as the theory that provides the right backdrop for understanding the nature of a particular wrong-ness of a particular wrong action: cruelty.

³ Thompson, "Human Form," 8.

⁴ *Ibid*, 11.

is to say, without a framework for interpreting the goings-on in the individual organism." ⁵ **We will** need this framework to understand cruelty in terms of its effects on the victim, the perpetrator and their relationship.

For now we will understand a creature's "life-form" as a placeholder for whatever characteristically makes a particular creature a *good* specimen of its kind, in the sense of "good" suggested by Phillipa Foot's interpretation of naturalism.⁶ For instance, in *Virtue Ethics*, Rosalind Hursthouse outlines a version of Foot's naturalism in which a specific kind of life is evaluated, depending on its sophistication, by breaking down the "aspects" of that life and their "operations." She breaks down the relevant aspects of sophisticated social animals as follows: 1) parts, 2) operations and reactions, 3) actions, 4) emotions/desires. The four aspects are then evaluated with respect to four ends: 1) individual survival, 2) species survival, 3) characteristic freedom from pain and

characteristic enjoyment, and 4) the good functioning of the social group.⁷ Note that

often this naturalism appears in a type of virtue-analysis for purposes different from this project on cruelty. Unlike much of the work engaged in by Foot, Hursthouse and other virtue-theorists, this project is not concerned **with** deriving an authoritative list of virtues, what virtue is, or how to (objectively) evaluate characters and actions. It is not, explicitly, an argument for any particular moral theory, except one that judges cruelty to be one of

⁵ *ibid*, 5.

⁶ As Hursthouse notes in "Virtue Ethics," "good" here is an attributive adjective. What it is to be a good cactus, cat or human must be seen in light of what each of these things are and what, in some sense defines them and is good for them (characteristically, as a particular type of creature).

⁷ Hursthouse, 197-202.

the most inhuman and egregious acts in which human beings can participate. In recent works of virtue-theory, naturalism appears a way to identify a person's virtue or vice, or as a non-subjective, rational source from which to derive a list of the virtues. I invoke Foot's sort of naturalism above (and will continue to do so throughout this project), in part because it provides a useful model for determining what a life form is, what makes a particular life livable, and how to establish if that life is good and flourishing. This is critical for understanding cruelty because perceiving what a life form is and what makes a life flourishing and good enables us to understand what inhibits the form of living for a particular creature and the nature of the damage done it in acts of cruelty. Additionally, a deeper understanding of the inhumanity of perpetrators of cruelty **will** be possible once we also understand the relationship dictated by the human life-form between individual humans and other life-forms. We will see that acts of cruelty are inhuman in so far as they turn aspects of the human life-form that should lead to flourishing human beings around, destructively.

For instance, naturalism provides a structure for saying that part of the life form of cats is being able to hunt and catch prey. Nearly all of a cat's "aspects" are involved in this activity, as certainly must be the "operations" of those aspects. A cat who fails to exhibit the pleasure/desire and skill to hunt, is, naturalistically speaking, a defective cat: that is, according to Foot and Hursthouse, of such a cat, we would not say he flourishes or is an entirely *good* cat. He may be a

good and loving human-companion, a good and attractive sofa decoration, a good addition to a household with free-running pet gerbils and hamsters, but not a *good cat*. What I import from Foot is that in considering a

creature to be a good X, we must consider what kind of a creature an X is, and what its life form is. Considering this is crucial to understanding how cruelty works and why it is so devastating.

Indeed, I will argue that cruelty strikes a creature's life form and reverses its trajectory. So, in the case of the cat, thrashing her for chasing something moving would count as one way to be cruel to her.⁸

Naturalism works similarly with humans, though the breakdown of human lives into aspects and operations is significantly more complex.

In order to determine what a good human is, we must look at what living and

flourishing is for humans in general and for the particular one in question. Thus, we must understand what makes a life flourishing and good in order to understand what about cruelty is inhuman and unique.

Just as part of cat life is hunting and play hunting, part of the life form of human children involves forming appropriate attachments, and specifically, appropriate trust in peers and caregivers. Whatever aspects of human beings one wants to attribute the need and capacity to trust and form attachments to, certainly they are necessary for a child's individual survival, as part of the species, and as the foundation for becoming a contributing member of the social group. Though in this culture we do not currently denote the absence of trust or intimacy in a child as a "defect" or label that child

⁸ There may be occasions under which it is acceptable, necessary and not considered cruel to discipline a house cat for engaging in behaviors that belong to

its form of living: say, for instance, when he bats at the heirloom pearls dangling from your ears. Though batting at dangling objects is generally a productive form of play and education for cats, in this case, the flourishing of the house cat also requires that the house cat learn (and thus be trained) to not lacerate his caretaker's neck while destroying his caretaker's jewels. This training, though curbing his instincts, is also part of the house cat's form of living, and thus, if done with respect to the cat's form of living (e.g. by directing him to play with an appropriate toy and to not draw human blood), need not be cruel. Acknowledging the form of living of a creature does not require the indiscriminate encouragement of each of its impulses and instincts. Often, for its own flourishing, a creature must be able to control its impulses and instincts.

"defective," we have other terms such as "Social Incompetence,"⁹

"behavior disorder," "attachment disorder"¹⁰ for indicating that a child without (characteristically good) trust and intimacy is not a flourishing child, and risks a life that is neither flourishing nor good.

In the Diagnostic and Statistics Manual IV we find a condition labeled "Reactive attachment disorder," which is defined in two central ways: 1) the failure to initiate or respond to most social interactions, that is, the withdrawal from or absence of interactions, and 2) obsessive or indiscriminate familiarity and desire for interaction. And so initiating and responding to the right kind of trust and intimacy, in the right circumstances, and the perception to discern the appropriate interaction, are critical to the flourishing of a child.

As indicated above, understanding cruelty in light of the victim's life form will require us to make general claims about what kind of life the victim's is. However, the skeletal nature of these claims should insure that they are not too culturally specific, nor do they require any special moral or other justification.

I will consider three examples to show that the distinct and peculiar structure shared by all types and degrees of cruelty can be described as turning the life form that should make a creature a good one of its kind, with a flourishing life, back against it destructively. There may be disagreement about the cruelty of each of these examples. Let us begin, for the sake of argument, with the assumption that most reasonable and reasonably decent people who share enough

of our world-view to live in contemporary

⁹ Pellegrini, 15.

¹⁰ DSM-IV, 313.89: Disorders Usually First Diagnosed in Infancy, Childhood, or Adolescence.

western society, would agree that the following are examples of cruelty. I am offering them here as possible examples through which we may discern the common underlying structure I suggested above. Once we delineate the structure of cruelty, we may then return to these and every other example to see if the structure holds, and if we think the events are cruel. For now I will leave it open which determines which. The goal of this chapter is to identify the structure shared by these disparate examples. I will take it for granted until chapters two and five, (devoted respectively to exploring previous attempts to define cruelty and the challenges cruelty poses to traditional ethical analyses) that previous definitions and terms in which traditional ethics deals with moral violations will fall short.

I will begin with a case of ordinary cruelty. By "ordinary" cruelty, I mean to capture the sort that occurs commonly in the course of being a social creature in a relatively stable society, and that generally does not require extraordinary measures for reconciliation, response, or rectification. In general, occurrences of ordinary cruelty do not obviously disrupt established adult lives, nor mature conceptions of the world, and ethical value systems. This is not to say that ordinary instances of cruelty can't be experienced as devastating or that they do not pose the challenge to traditional ethical analysis that instances of extraordinary cruelty do. By classifying these events as "ordinary" I do not mean to diminish the suffering of the victims of ordinary cruelty, or to mark out in advance the ethical triviality of

ordinary cruelty. On the contrary, this section **will** show that ordinary cruelty, despite its ordinariness, is the same *kind* of act as extraordinary cruelty, and thus presents the same sorts of ethical challenges as torture or

sadism, though these challenges need not be identified by extreme violence or gross moral violations.

Example h Ordinary Cruelty

I take my first example from *A Death in the family*. James Agee's unbearably accurate and poignant portrayal of peer-cruelty begins with Rufus who is a lonely, sweet, sensitive boy under school-age. He has made a habit of running to the street corner when the older children of the neighborhood are on their way to and from school so that he might meet them. In turn, many of the boys encourage him to interact with them and when he does, they taunt him, mocking his name, his naivete, and his desire to trust them and be liked by them. The facts in this example are relatively simple, and I will relate them as plainly as possible. The older boys take notice of Rufus, who sometimes tries to get their attention with a shy "Hello." They ask him his name, to sing a song and to dance. But as Rufus bends to each of these requests, trying, in his words, to get them "to like him and be nice to him," the older boys mock his name, his willingness to tell it, his singing, his dancing, in short, *him*.

They would come up nearly always with the same question: 'What's your name?' It seemed strange to him that they could not remember his name from one day to the next, for he always told it to them perfectly clearly, but he felt that if they forgot, and asked again, he ought to tell them again, and when he told them, politely, they all laughed.

But Rufus is young, and the schoolboys and girls are attractive,

independent and powerful, and some of them appear to be sincere and nice. Above all, the ones who torment Rufus repeatedly present themselves to him as *potentially* being nice, as *potentially*

liking him, if only he does what they ask. So Rufus returns eagerly day after day, to tell them his name when they ask him to, to sing and dance when they ask. Day after day, once they have reassured Rufus that *this* time they are sincere, that *this* time they like him, they drop their kind and sincere facade and burst into laughter, leaving him on the corner alone, perplexed, and humiliated.

Rufus, just learning to monitor the complex subtleties of questions and responses, concludes that they must be teasing him and so when they ask again, he tells them "Oh you know my name, you're only trying to tease me." Developmental psychologists refer to the kind of awareness Rufus demonstrates here as "social competence." He is doing precisely what a flourishing, good child of his age should do. Developmental psychology doesn't generally draw sweeping conclusions about the advantages for a young child of perceiving the insincerity of a question. But one can suppose that this perceptiveness should, more often than not, guard against being taken advantage of, against social humiliation and miscommunications. In short, it should guard us against a certain range of vulnerabilities incurred by being a creature who forms attachments and intimacy with others of its kind through communications based in the exchange of inquiries and responses. When social competence fails to provide protection, presumably it should at least provide methods of responding to the exploitation of one's vulnerabilities. It is the start, after all, of being able to get on

the social world at large, and there, one needs protection and when

that inevitably fails, one needs a means for handling that failure.

In Rufus' case, his perceptiveness merely leads him to suffer deeper and more complex exploitations of his vulnerabilities.¹¹ The cruelty of this scene comes through not in the bare facts, but in Agee's cutting perception and telling of them, and so I will quote at length in this analysis.

...invariably the boy who had asked it this time would say very seriously and politely, 'No, I don't know your name, you never told me your name,' and he would begin to wonder; had he or hadn't he.

'Yes I did too,' he would say, 'I remember. It was only day before yesterday.'

And again there would be snickering, but the questioner looked even more serious and kind and one or two of the boys next to him looked equally serious, and he would say, 'No honest. Honest, it couldn't have been me. I don't know your name.'

And one of the other boys would say, very reasonably, 'Gee, he wouldn't ast you if he knowed it already, would he?'¹²

And Rufus, relying on the rules of social discourse appealed to in the constructed sincerity of these excuses, finds himself beginning to agree: "The less he believed them, the more he was led to believe them, and the easier it was for him to believe them."¹³ But still skeptical, since a flourishing pre-schooler must adapt to changing circumstances and complex social interaction, he says, "**Aw**, you're just trying to tease me. *You* all know my name."

The bullies, also demonstrating their social acumen, change their tactic and feign self-deprecation and forgetfulness:

¹¹ This, by itself, is not enough to call suffering the result of cruelty. When we add, however, that his life-form as a human child is being exploited by other human beings, then the conditions for cruelty have been met. This will be explained in full over the course of this project.

¹² Agee, 199.

One of the boys would say, 'I've forgot it. I knew it but I've plumb forgot it. I'd tell him if I could but I just can't remember it.'

And he too would look very sincere. And the first questioner would say, almost pleading, and very kind-looking, 'Come on, tell us your name. Maybe you told it to him but he don't remember. If he could remember he'd tell me, now wouldn't he? Wouldn't you tell me?'

'Sure I'd tell you if I could remember it. Wisht you'd tell it to me again.'

And two or three other boys, in similar tones of kindness, respect and concern would chime in, 'Aw come on, tell us your name.'

And he was taken aback by all this kindness and concern, for they did not seem to act in that way towards him at any other time, and yet it did seem real. And after thinking for a moment he would say, looking cautiously and earnestly, at the boy who had forgotten, 'Do you promise you really honestly forgot?'

And looking back just as earnestly the boy said, 'Cross my heart and body,' and did so...

Then he said, 'If I tell you this time will you promise to do your very best to remember, and not ask me again?' and they said that they sure would...Maybe they mean it. If they do, it would be mean not to tell them. So he always told them. 'Well,' he always said rather doubtfully, and brought out his name in a peculiarly muffled and shy way (he had come almost to feel that the name itself was being physically hurt, and he did not want it to be hurt again) 'Well, it's Rufus.'¹⁴

At this point, each of the boys "screamed as loudly as he could with a ferocious kind of joy...", calling him names and using his name in derogatory chants as they left him in his confusion and humiliation.

There is nothing shocking or unthinkable in what these bullies do, at least to the adult observer. There is no obvious crime, or egregious violation of moral codes, nor physical damage to the victim. They are manipulative and deceitful. They mock. They make fun of Rufus. They are mean. Though meanness, teasing and mockery may be rather quotidian childhood occurrences, Agee's painstaking

description of them urges the reader to be unsatisfied with these plain descriptors- as if by offering us the

¹⁴ Agee, 19CJ.

intricacies of these interactions, we will see that they are *more* than mean, more than deficient in manners or kindness: they are *cruel*

In a scene such as this, the ordinary nature makes it hard to identify (and harder still to articulate) what is cruel about it and why. I will leave aside, until the next chapter, standard approaches to identifying the cruelty in a scenario such as this. For now, I will return to the formulation of cruelty suggested above in which cruelty turns the form of living that should make a particular specimen of a life-form a flourishing one of its kind, with a flourishing life, back against it. In Rufus' case, cruelty appears as his actions towards attachment and intimacy with others are redirected back to him, leading instead towards rejection and isolation. This scene is cruel not just because Rufus was teased-certainly being teased and learning to handle being teased are also necessary for children to grow-but because the skills and behaviors that were supposed to open space for him to deal with the teasing became the source of the teasing.

Part of being good as a 3-6 year old involves putting oneself out into the social arena, seeking the attention, kindness and friendship of those who, though they are a couple of years older, are still, as Rufus puts it, "of the same race." In breaking down the aspects of "social competence" for children in Rufus' age group, developmental psychology generally stresses the centrality of learning the complexities of verbal interactions, specifically, learning how to respond to inquiries. Researchers Waters and

Sroufe¹⁵ breakdown social competence for pre-school children into the following five sub-components: Children should,

1. Respond to others; answer questions, or ask questions.
2. Recognize the opportunity or demand to respond; perceive and adhere to the rules of social discourse.
3. Develop a repertoire of response alternatives.
4. Choose alternatives that are appropriate to specific situations; change responses to meet situational demands
5. Want to engage with others.

Rufus exhibits all five of these sub-components. He wishes to engage. He tries to form attachments. He initiates interaction in a manner appropriate to his age and circumstance. He understands the obligation to respond to a question. The situation changes when he realizes that he may be being duped, and he registers this change by addressing it forthrightly. ¹⁶ Once persuaded by the boys that there is still a question demanding an answer, (if Rufus is to sustain the interaction and establish a connection between them and Rufus) he answers, but with a condition which should forestall his being rejected or further exploited this time or next. Thus he addresses the question and adapts to the change in circumstance. In short, he does what a pre-school child should if he is to flourish and be good; if he is to form meaningful attachments with others, or

¹⁵ Taken from a summary of research done by Waters and Sroufe that appears in *The Child at school* pages 10.17. "Social competence is a measure of children's adaptive or functional behaviors in their environments (Waters and Sroufe, 1983)" p.15. It is, they continue, "an ability to generate and coordinate flexible adaptive responses to demands and to generate and capitalize on opportunities in the environment." P.16

¹⁶ He addresses the possibility of being duped in two ways: one, by challenging the truthfulness of **the** questions, "No, I know I told you, it was just day before yesterday." And two, by identifying the nature of the dupe, "**Aw,**

you're just trying to tease me." Each of these conclusions he comes to here indicate that he is trying to sustain the interaction even though it is not going as he'd hoped.

navigate his way through failed social interactions. But the boys who tease Rufus exploit precisely his pre-school social competence and use it to disable his ability to maneuver through the interaction. His desire to engage, to trust, to be liked, to like them, to sustain the interaction, even when it did not go as planned, is, in essence, the substance of the boys' mocking-the name "Rufus" was merely the vehicle. It was only after the boys had lured Rufus into accepting their sincerity, after they had offered the possibility of kindness in their gestures and words, after they had made their question seem legitimate that Rufus' answering becomes the mechanism by which he is rejected and isolated. Presumably, if Rufus were less aware, less perceptive, the game would have been less successful.¹⁷

I will address two possible objections to my analysis of cruelty in the previous example. The first is that in my analysis of the cruelty in Agee's scenario I have failed to acknowledge that learning to manipulate and tease is as much a form of living for children as those skills that should prevent one from being a victim. As I claimed earlier, the bullies not only rely on Rufus' social competence, but also demonstrate their own. This objection hinges on two assumptions: one that my formulation of cruelty implicitly favors a particular set of moral values in which bullies are already defective and are not flourishing. And two, that the life-form of one creature or form of living of one individual should go unchallenged by another kind of life-

form or individual's form of

¹⁷ The "Confidence game" in David Mamet's "House of Games" is predicated on a similar formula in which a con-man creates a circumstance in which he can display his virtues, (humility, or generosity, or honesty,) and his humanity, to another in order to elicit those same virtues from the victim with him as the beneficiary and the other as the loser. And so the victim is harmed by what appears to be not only his own virtues, but those of another.

living.¹⁸ Neither of these is the case. First, at this point in the analysis, there is little to support the first assumption. What counts as a form of living for a creature will be based on a particular form of naturalism, in which what counts as flourishing for that creature is bound by what kind of creature it is. But I am appealing to naturalism specifically for its leeway with regards to interpreting what counts as a life form and a flourishing life.¹⁹ There will be restrictions, but they will not be as exclusive as this objection requires in order to hold. Thus far, nothing rules out the possibility that these bullies (despite lack of textual evidence from Agee) are in fact doing what they need to do flourish; that there is some crucial difference between what counts as flourishing for them and what counts as flourishing for Rufus.

Thompson points out about Foot's view of Naturalism:

there is no reason a priori to say that an intelligent life form could never be one of which Hobbesianism, say, is true, and thus one for which prudence is the only really fundamental virtue. Nor does she suggest that there could not be a life form in which the arguments of Callicles—that what is praised hereabouts under the name of 'justice' in fact drags its bearers down and declaws them and renders them harmless, and so on—would be sound. Why shouldn't that be possible? It is just that it isn't so specifically with human beings, she thinks: for us there is justice.²⁰

¹⁸ A third objection might be that as I have presented my case for cruelty thus far, it looks as though only the competent can be the victims of cruelty, that is, only a life that is flourishing and good can be the recipient of cruelty. Addressing this objection requires an in depth examination of how I am using naturalism and the

terms I used to describe cruelty, and so I will take it up in chapter four, which is devoted to such an examination.

¹⁹ If it turns out indeed that being bullied is the moral high ground with respect to bullying, it will have to be because bullying is bad for the kind of creature a human child is, and what kinds of children these are.

²⁰ Thompson, "What it is to Wrong Someone," 3 I.

Second, there is nothing in my analysis of cruelty that excludes the possibility of one form of life conflicting with another. In fact they must, or according to my own definition, cruelty would occur rarely if at all.

A more serious objection is that I have cast the net too widely: simply because things didn't turn out as Rufus wanted them to or as they should, in a ideal world, doesn't make the situation cruel; people often don't get what they want and the world isn't ideal. A number of different concerns could be at the heart of this objection. I will offer two responses here. The first does not completely discount the objection, but rather addresses the various sources of it that are the least problematic. The second identifies an interpretation of the objection that poses a real problem for my formulation of cruelty and prepares the way to answer it fully in the following chapters.

I am working from the common intuition that what happens to Rufus is cruel to some degree. There is no reason this initial perception must be undermined by appeals to the frequency of bullying, nor by the unconformity of the world to ideals. Just because something happens in great quantities or frequently doesn't mean it can't be cruel. Nor does it, I think, trivialize cruelty to say so. Cruelty does not seem to be diluted by quantity or frequency. The quantity of genocide in our recent history doesn't in any way lessen the cruelty of it. The hourly frequency of child-abuse doesn't diminish its cruelty.

The above objection may also arise from the perceived triviality of the

1
events, in the mild nature of the damage done to Rufus (he feels only
"as if" his name were physically wounded). I will argue that this
perceived triviality results from the general frustration, to which I
referred in the beginning of this section, in identifying what is cruel in
an

ordinary scenario, and rather than being an indication that there is no cruelty there, begs the question. My hope is that with a fuller understanding of the structure of cruelty, the presence of extreme violence and violations will not be necessary to identify it.

However, if the above objection arises from the sense that such disappointments are inevitable because our social competence is doomed to betray us,²¹ then it is really a concern about what a life-form is and what justifies the claim that it should lead to flourishing or goodness for its bearers. This brings me to the second response. Addressing this challenge directs us to the work that must be done to justify my formulation as one that works. Handling this objection satisfactorily is complicated and will require the entire length of this project. It requires a careful consideration of what "should," really means in the phrase, "cruelty turns the life-form that *should* make its bearer a flourishing one of its kind." The space for this objection appeared earlier in this chapter when I employed developmental psychology to supply the details of a pre schooler's life-form. I suggested that social competence is part of the life-form for children and that, as such, it must obviously serve their lives somehow and be integral to what it is to be a good specimen of the kind of creature they are. I suggested that social competence *should* offer protection from certain vulnerabilities that come from being social and *should* enable responses to exploitations of those vulnerabilities, and thus is necessary for a human child to

flourish. This in no way requires that the world be a perfect place.² In fact, the existence of obstacles is built into this understanding of what a form of life is-otherwise, from what would one need protection? It doesn't even require

²¹ Which we will see is importantly different from the world failing to conform to ideals-for that is, after all, why we need such complex skills.

that, in most instances, social competence *does*, in fact, offer such protection. The problematic question behind this objection, in short then, is what is the relationship between an individual creature's form of living and the life-form it is a bearer of? What is the integral relationship between a creature's life-form and an individual creature's flourishing? The answer will appeal to Foot's sort of naturalism which will serve as the groundwork for explaining what work "should" is doing in the phrase, central to my analysis of cruelty, "cruelty turns life form that *should* make its bearer a flourishing one of its kind against it." However, this chapter is not focused on philosophically justifying this formulation or on offering an analysis of it as cruelty. Rather I am proposing it, with the promise of much further development, as a justification for speaking of cruelty in general without overstating ordinary cruelty or trivializing extraordinary cruelty.

Example 2: Extraordinary Cruelty

I will now consider what I take to be the most irrefutable example of human cruelty, one which most blatantly expresses the inhumanity of cruelty, but by means of which, ironically, the cruelty is most difficult to describe: torture. Torture involves all of the elements commonly identified with cruelty. One need not look deep into its structure to determine that it is maliciously motivated, inhuman, destructive and cruel. Torture by definition involves extraordinary

degrees of mental and physical suffering and

often, extreme violations of moral and legal prohibitions.²² Torture is always cruel, and

²²The 1984 UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines "torture" as "any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person"

is the savagery that comes to mind when Seneca says "...that it goes beyond the bounds first of custom and then of humanity."²³ The inhumanity, though difficult to put into words, is immediately apparent, and is, according to Jean Amery, "the most horrible event a human being can retain within himself."²⁴

Torture happens so often, under such varied circumstances, that no single example can be representative and no particular analysis or method exhaustive. Each instance of it is as deeply complicated as each individual victim's existence, and could profit from the insights of nearly any discipline such as political science, law, psychology, philosophy, or medicine, interested in examining it. In terms of the structure of cruelty I have proposed, torture uses the victim's entire form of living against him. Amnesty International describes it as the "...deliberate attempt over a period of time to kill a man without his dying."²⁵ Torture is a comprehensive attack (no matter how base its techniques) on a particular human being's form of living as the bearer of the life-form of human being. Since the human life-form is so complex and the forms lived by individual bearers of the human life-form vary from culture to culture and individual to individual, a comprehensive analysis of how any particular victim's form of living is reversed in torture would require a thorough account of the victim's particular form of living as a

²³ Seneca, 155.

²⁴ Amery, Jean, p34.

²⁵ Amnesty International Report on Torture, 25.

bearer of the human life-form.²⁶ This is unlike the example of ordinary cruelty,

where perpetrators toy with a creature by using one or some of its means of surviving and flourishing against it. Torture aims to destroy the victim as much as is possible without annihilating his existence altogether. I will refer to other analysts (such as those who work in various capacities for Amnesty International) and theorists (such as Elaine Scarry, Jean Amery and others) for their insights into the structure and nature of torture in examining example two. My goal, however, is not to present a thorough analysis of torture in the case below. My goal is merely to show that the formulation of cruelty I have been proposing captures the nature of cruelty even in cases as complex and hideous as torture. I will highlight only certain aspects of this case, and so the analysis that follows is not intended to be exhaustive of either the cruelty or torture in this scene.

I have taken the following example from Amnesty International's report on evidence of torture in Iraq. In 1978, a 24 year-old journalist, Burhan Al Shawi, was detained in Baghdad and tortured for nine days. The interrogators eventually asked his political affiliations and names of those who he knew to be opposed to the Ba'ath party. The report does not say whether he had the information the authorities wanted, or whether he "confessed." There were many stages to his torture. I will quote only excerpts here:

He was arrested in a Baghdad street by plainclothes security officers...Once inside the building, he was tied to a chair. In the course of the first two days he was moved from room to

room...in each of the various rooms there were between two and 10 people who beat him...On the third day he was questioned about his

²⁶ Though, the standardization of torture techniques across history and cultures is an indication that if there are basic standard ways of "killing a man without his dying," then there are also standard ways that human beings live and flourish.

political affiliations...Most of the time he lay face down on the floor with his hands tied behind his back. His interrogators trod hard on his body several times. He was beaten...on the same day, they tried to induce an erection of his penis, both by hand and mouth. Then the torture became more systematic, taking place every one or two hours. His head was whipped and beaten so hard that he often lost consciousness...Once he was tied to a chair, his chest against the seat and his limbs bound to the legs of the chair. He was then punched and beaten with a stick. He fainted several times. After regaining consciousness on one occasion he was aware...that he had been raped. He was then made to sit on a cold bottle like object which was forced into his rectum, causing violent pain. He fainted and woke up when cold water was poured over him.....²⁷

That this is unimaginable, horrible and cruel is obvious. So obvious, in fact, it seems absurd to insist, as I am doing, that one needs pry further into it, to imagine more than what these stark facts detail. As Elaine Scarry cautions:

Torture is such an extreme event that it seems inappropriate to generalize from it to anything else or from anything else to it. Its immorality so absolute and the pain it brings so real that there is a reluctance to place it in conversation by the side of other subjects....Beside the initial fact of pain, all further elaborations-that it violates this or that principle, that it can be objectified in this or that way, that it is amplified here, that it is disguised there-all these seem trivializations, a missing of the point, a missing of the pain.²⁸

Scarry's observation seems undeniable: pain is the absolute and ineffable essence of torture and those who study it should guard against distorting or diluting it in the attempt to make the horror of torture perspicuous or in the attempt to make pain articulable. In many ways, her observations seem to encourage us to stop at a respectful distance from the inhumanity of torture,²⁹ and they offer us relief in the struggle to articulate the impossible; to say more,

imagine more, think more about the horror of

²⁷ Iraq: Evidence of Torture. 16.

²⁸ Scarry, 60.

²⁹ Of course, this is not what I take her to advocate since she embarks on an illuminating analysis of the pain in *The Body in Pain*.

torture. In the following analysis I do not seek to undermine the power of torture. In order, however, to understand just how torture trespasses the boundaries of humanity and confounds our ability to articulate it, we will have to stand at a remove from the torture as a whole.

I will reiterate that what I am offering is not an analysis of torture, but an analysis of the cruelty in torture. I have proposed a structure shared by all cruelties which reveals cruelty to be the exploitation of a creature's life form for its destruction. And so this structure must be specific enough to distinguish cruelty from other categories of moral violations and abstract enough to include the diversity of cases. The consequence of striking this balance differs if one is exploring a case of ordinary or extraordinary cruelty. The consequence in ordinary cases is that the isolated episodes of cruelty appear more distinctly against the backdrop of common events. Torture, on the other hand, builds its horror on layers of cruelty. Consequently, striking this balance in an analysis of the cruelty in torture makes the structure of cruelty in each instance of it clear, but will not exhaust the horror of any particular case of torture unless each instance of the cruelty is accounted for. This shouldn't be too surprising, since the questions posed by this example of torture (as extraordinary cruelty) and those posed by the previous example also differ. In example one, the questions arose from the sense that something more was going on than mean-spirited teasing. The question then was what exactly went on that was more than mean?

By considering Rufus' life-form we were able to draw out what was cruel about the way he was mocked. The questions prompted by example two initially seem quite different. There is no need to search for more that goes on in torture than

the torture itself. There is no need to look beyond the description of events. Our search is not for something that will explain our sense that the event is more peculiar and horrible than the common descriptions of it express, rather, it is for a deeper understanding of how it is as peculiar and horrible as it seems. In example two, since everything about torture is cruel, our first question is what is the cruelty. Then we will ask, does the cruelty in this scene share the structure of cruelty we saw in example one, is what they share the essence of the cruelty here, and through which of the uncountable occurrences of it in this example can we see its structure most clearly. In order to do this, we will have to ask what of Al Shawi's life-form, as a particular adult human, is exploited and how.

As in all torture, the cruelty in example two exploits both the base and complex forms of living of the victim. The report of Al Shawi's case details the physical aspects of his torture, and so we will focus on the cruelty of those. Though we know little about Al Shawi, we may assume, along with Foot, Thompson and his torturers, that his body functions for him in a way characteristic of human beings. It has parts and functions that may be evaluated with respect to their operations. It has, if it belongs to a flourishing life, characteristic pains, and pleasures and characteristic ways of seeking what is beneficial and pleasurable and of defending against or responding to what is harmful or painful. Torturers make use of the knowledge of what a body must do to survive and to flourish, the body's

characteristic pleasures, pains, ways of being in the world, responding the world, defenses against what is harmful or painful, for the express purpose of exploiting them. According to AI, "These defense factors which enable us to

survive stress are keenly studied and cultivated by the military establishment in the training of soldiers, and they are studied with equal keenness by torture technicians...³⁰

Indeed, a coercive interrogation manual declassified by the CIA weighs the power of threatening physical harm against actually causing pain to disable a victim's defenses. It decides, based on the deficient self-awareness or self-assessment of "most people," in favor of the former:

The threat of coercion usually weakens or destroys resistance more effectively than coercion itself. For example, the threat to inflict pain can trigger fears more damaging than the immediate sensation of pain. In fact, most people underestimate their capacity to withstand pain. In general, direct physical brutality creates only resentment, hostility, and further defiance.³¹

The threat of pain triggers fear of the unknown duration and degree of the pain, thus agitating a person's perception of their physical defenses, since its not clear how long or how much he or she will suffer physically, nor how well he or she will endure. Essentially, such threats pit the anticipated defenses and defenselessness of the body against the mental defenses, disabling them both. Consequently, the "defense factors" and resistance themselves become the source of the pain. To quote Amnesty International again, "The victim is trapped in a situation in which the stresses are manipulated so as constantly to frustrate this need to behave in a consistent, learned, personal behavior pattern and in accordance with an esteemed self-image-both of which

³⁰ Amnesty International, 41.

³¹ Human Resource Exploitation Manual, J-8.

are necessary for the protection of basic self-identity."³² The perceptions, needs, and actions that should lead to survival and flourishing, that should protect one's physical self and basic self-identity, lead instead to destruction.

One of the body's methods for coping with intense pain and trauma is to shut down consciousness, to pass out. A person who doesn't pass out when pushed past the point of tolerance is, naturalistically speaking, defective, in the same way as a dog who doesn't feel characteristic pain when its paw is wounded.³³ Losing consciousness serves a defensive function; it relieves the victim of the awareness of his pain and indicates that the victim's resources for coping have been pushed beyond their capacity. One of the simplest illustrations of the exploitation of the physical form of living against Al Shawi occurs at the end of the event when he, pushed beyond his capacity, loses consciousness and is revived so that he can suffer more torture. Here what should serve his coping and survival becomes integral to his suffering. Forcing victims to remain conscious, or reviving them when they have lost consciousness is common in torture.

Note that in this case, as in nearly all other cases of torture, the victim is restrained before being beaten, before being told what the interrogators want from him, or why he is being beaten. Thus, his physical and mental capacities to respond are ineffectual. In a situation engineered to trigger his defenses, he is made physically

incapable of protecting himself with the parts capable of providing protection. Thus, his physical pain is compounded with dread and psychological anguish brought about by the

³² Amnesty International, 52.

³³ Hursthouse, 200.

realization of his impotence. Since the aim of political torture is, in the words of the above CIA manual, "to induce psychological regression ... basically a loss of autonomy," the physical pain is thought to be secondary to the emotional stress, which may be induced by threats, actual pain or other coercion techniques. Thus, as is the aim, his higher functions, which should protect his mental integrity, if not his physical self, are manipulated to further his suffering and are eventually disabled. And then, to state the obvious, he is put into a situation explicitly calling for the parts and skills of which he has been stripped, by symbols of the civilization (security officers) in which those skills are meaningful. According to Elaine Scarry, torture turns all of the social aspects comprising the victim's form of living against him for his destruction. She says, "Torture...explicitly announces its own nature as an undoing of civilization, acts out the uncreating of the created contents of consciousness."³⁴ Torture uses the victim's body, and his relationship to his body, as well as his rational capacities, at their most complex levels of functioning in interpreting the world, to destroy him, using "the prisoner's aliveness to crush the thing that he lives for."³⁵ This reversal of the victim's "aliveness" is the peculiar "stress" torture techniques impose on their victims; it is geared to the specific nature of its victim, to disable that nature.³⁶ The critical aspect of torture is the manner by which it achieves its purpose of making a rational being lose its reason, an

³⁴ Scarry, 38.

³⁵ *Ibid*

³⁶ According the same CIA manual, the torturer must take into account not only that the victim is human, but his specific nature: "If a coercive technique is to be used, or if two or more are to be employed jointly, they should be chosen for their effect upon the individual and carefully selected to match his personality. •

autonomous being lose its autonomy, a social being lose its sociality.

Brute physical assault isn't sufficient for these ends. The cruelty in torture disables the victim's form of living by engaging and triggering the relevant components of that form of living in a situation finely engineered to render each aspect impotent or the source of pain and destruction.

The ways in which the victim's aliveness can be used to crush what he lives for have been cataloged by human rights watch groups, literary authors, and theorists such as Scarry. The following list represents some of the common tactics of torture: manipulating the body's defenses to cause the victim further suffering and to violate his sense of physical integrity and agency (e.g., reviving or treating a victim so that he can suffer further or making his own body seem to be the source of the pain); perverting the function and need for speech and communication, as intimacy, or sharing, into the source of isolation and betrayal; the use of social bonds, familial and otherwise, to produce helplessness, isolation, and suffering; the use of the human need for intimacy for betrayal and humiliation; the use, in short, of civilization and what counts as a flourishing life in civilization, to brutalize and uncivilize. Each of the above offers us a view into the ways in which torture is cruel, the ways in which the victim's life-form, which should help him survive, flourish, be good, is made to betray him. As Jean Amery simply puts it, torture is "the total inversion of the social world...", and, "Whoever has succumbed to

torture can no longer feel at home in the world." This is a sentiment

often expressed, in different forms, by survivors and theorists of torture.

Scarry studies the meaning of the body in the world, the meaning of basic objects of domestication, such as chairs and bathtubs, and institutions of society such as justice systems, medicine, etc. to show how torture unmakes the made-world of human beings

The domestic act of protecting becomes an act of hurting and in hurting, the object becomes what it is not, an expression of individual contraction, of the retreat into the most self-absorbed and self-experiencing of human feelings, when it is the very essence of these objects to express the most expansive potential of the human being, his ability to project himself out of his private, isolating needs into a concrete, objectified, and therefore sharable world.³⁷

As I said previously, there is more to torture than the discussion of cruelty above reveals. And it seems that I have neglected one of the most central and most cruel aspects of torture: the perpetrator's malicious intent to wound. After all, it is not just that "the domestic act of protecting becomes an act of hurting...", it is that someone who should not is intentionally and systematically inverting the social world, intentionally exploiting a person's form of living to break them. Pain alone may break and be unbearable, but it is not, in and of itself, necessarily cruel. Take for instance the ethically unproblematic cases of those who are subjected to extreme degrees of pain for legitimate medical reasons. For a specific kind of case, take the necessity of limb amputation in a time or place in which anesthetics are unavailable. Excruciating though this procedure may be, it is not cruel. It seems that among other differences between this case and the case of

torture, the most critical is that here the doer's intention is to save a life, to heal, not to hurt, where as in torture, the intent is expressly to wound. These cases obviously differ in

³⁷ *Ibid.* P. 41

many important ways. I offer this example simply to illustrate that intolerable, unimaginable and destructive physical and mental pain, though it may be world destroying, and "obliterates all psychological content, painful, pleasurable, and neutral"³⁸ is not sufficient for determining an event to be cruel. Clearly the malicious intent of the torturer is a defining feature of torture, and, due to the context of torture and the nature of the victim, even essential to the cruelty in torture. It is not, however, a defining feature of cruelty in general.

The preceding discussion has revolved around two primary examples of cruelty, one at each end of the spectrum of degree. It may be objected that the two examples of cruelty above don't, as I have proposed, warrant a formulation of cruelty that is based in a naturalistic understanding of the perpetrator and victim's life forms. After all, both examples have in common the perpetrator's intent to cause suffering, which is featured in the UN Convention *against* Torture and nearly every other legal and psychological definition of cruelty and which, intuitively, seems like the defining mark of cruelty. In the UN conventions and declarations, the intent of torture must be to cause severe suffering in order to achieve a particular end (extract confession or intelligence, or deliver punishment).³⁹ The perpetrators in example one do not demonstrate the desire to cause Rufus severe suffering, but a difference in degree has already

been acknowledged. Cruelty, in short, does not always involve torture. The bullies do not torture Rufus, but

³⁸ Ibid, 34.

³⁹ See Amnesty International's "Report on Torture": "The concept of torture does imply a strong degree of suffering which is 'severe' or 'acute'. One blow is considered by most to be 'ill-treatment' rather than 'torture', while continued beatings over **48** hours would be 'torture'." P.34

they are cruel to him, and it looks as though what examples one and two share is that the perpetrators in each case intend to wound, just in different degrees. As noted in the beginning of this chapter however, instances of cruelty may differ other than by degree. Cruelty does not always involve severe mental and physical pain, nor extreme moral and legal violations, as we have seen in the previous examples, nor the malicious intent of the perpetrator, which we will see in example three. Such intent is neither sufficient nor necessary for an event to be cruel.

A cursory review of past and present discussions of cruelty will reveal that they often feature the malevolent or sadistic wrong-doer. But on closer examination, **we will** not find the defining characteristic of cruelty in the ill-intent of the wrong-doer. Cases upon case, both historical and literary, of cruelty is motivated by apparently neutral or even apparently good intentions. Arendt's characterization of Eichmann, though controversial, seems to present such a case of cruelty motivated by neutral intentions. If we are to believe him, he had no hard feeling towards Jews, no malicious intentions towards them: "His was obviously not also a case of insane hatred of Jews, of fanatical anti..Semitism...he 'personally' never had anything whatever against Jews...."⁴⁰ He only wanted to get ahead in his job, to be respected. Whether or not one believes his testimony or Arendt's interpretation *of* it, one need not labor over how Adolf Eichman reasoned or what he desired to conclude that what happened to his victims en route to

and in the concentration and death camps was cruel. Even had he been entirely unaware

¹⁰ Arendt, 26.

of the consequences of his efficient transport system, the cruelty, and his part in it, would be unmistakable.

For another example, consider vivisection on live animals in the late 1800's. Deborah Rudacille describes the public demonstration of animal experimentation, without anesthetization, carried out by Dr. Francois Magendie, "The man tortured animals in public, slicing into living flesh as if it were a piece of mutton, as the bound beasts screamed in agony."⁴¹ Clearly, no matter what side of the vivisection debate one takes, to bind a dog, spread eagle, to a wooden display board and dissect him while he is alive is cruel. But according to Magendie, this was merely a scientific demonstration for the public's edification. As another pro-vivisection researcher put it, "An experimenter has no time, so to speak, for thinking about what the animal will feel or suffer. His only purpose is to perform the experiment, to learn as much from it as possible, and to do it as quickly as possible."⁴² And thus, though the perpetrators clearly show indifference

here, there is no evidence that they were sadistic, malicious, or were motivated by the intent to make the creatures suffer.

The place of intention in ethics is deeply complicated and difficult because what counts as intention and its ethical import is debated, and even in discourses in which it is not, it is nearly impossible to verify. Our understanding of the nature of cruelty and how we apply the concept of "cruelty" should not require us to identify and verify a particular type of intention accompanying the

cruel action. This is not to say that intent

⁴¹ Rudicille, 25.

⁴¹ *Ibid*, 39.

is not a critical element of cruelty. It is. Sadistic or ill-intent is not. The role of intention in cruelty is complicated and **we will** address it in detail further on. Suffice to say for now that our understanding of cruelty will have to be based on something other than the existence of the perpetrator's malice towards the victim. As an example of cruelty carried out under apparently good intentions, we will look at a variety of cruelty I will call "benevolent cruelty."

Example 3, Benevolent Cruelty

Cruelty is perhaps most disturbing and perplexing when it is carried out under the guise of the victim's "best interest." Such benevolent cruelty may be ordinary or extraordinary, ranging from very strict "disciplinary" methods in homes or schools to torture. In these cases, the benevolence of the perpetrator's intentions may be more or less convincing, and in either case, nearly impossible to verify. For our purposes, however, such verification is not necessary. We merely want to attend to the possibility that cruelty may not involve the intent to harm and we want to expand our view of the necessary features of the kind of act properly called "cruel" beyond those involving the perpetrator's mental state. Through an analysis of this variety of cruelty, we can discount the common misperception that cruelty must involve the intent to wound or do harm, and we can begin to attend to more comprehensive and illuminating characteristics of cruelty.

Benevolent cruelty has a glaring history in bigoted

paternalism and the institutions that support it and implement its ideologies. It may be systematic and

institutional, or incidental and personal. The example I will focus on here is both, as most cases are. It occurs during the religious and political efforts of white government and religious officials to "civilize" Native American children through the boarding school system in the late 1800's. According to these officials, the only way for the Native American to survive the civilization the white man brought with him to this continent was for him to be civilized and christianized himself. According to the Board of Indian Commissioners,

The only alternative left is to fit him by education for civilized life. The Indian, though a simple child of nature with mental faculties dwarfed and shriveled, while groping his way for generations in the darkness of barbarism, already sees the importance of education; bewildered by the glare of a civilization above and beyond his comprehension, he is nevertheless seeking to adjust himself to the new conditions by which he is encompassed. He sees that the knowledge possessed by the white man is necessary for self-preservation. He needs it to save himself from the rapacity and greed of men with whom he is forced to come in contact; he needs it just as much to save him from himself.⁴³

The boarding school system was designed to save the Indian. Or rather, in the infamous words of Col. Pratt, the founder of one of the first industrial schools, "To kill the Indian, save the man." Pratt summarized his passion for civilizing and saving the Native American when he said, "In Indian civilization I am a Baptist, because I believe in immersing the Indians in our civilization and when we get them under holding them there until they are thoroughly soaked."⁴⁴ It doesn't seem to have occurred to him in his exuberant benevolence that they might drown. In the best interests of the Native

⁴³ Americanizing the American Indians: Writings by the "Friends of the Indian" 1880-1900. Ed.

Francis Paul Prucha. Harvard University Press, Cambridge 1973.

⁴⁴ Witmer, 19

Americans, their children (between ages six and sixteen) were taken from their guardians to school, often hundreds of miles away, with or without consent, before and after the law authorized them to do so. This is the first in a succession of cruelties motivated by the intent to save the Indians, to do what, whether they were aware of it or not, was "in their best interests." These schools were often set up very differently from one another, existed over a long period of time and went through many changes. But they were all "the institutional manifestation of the government's determination to

completely restructure the Indian's mind and person-
alities.⁴⁵ " What follows is the

general series of cruelties the children commonly suffered in the initial phases of being "civilized" through education in both in the US and Canada.⁴⁶

Because the children who were taken from their homes were often very young

and did not speak English, they did not know where they were being taken. Luther Standing Bear was one of the first young boys to go to the Carlisle School. He spent the long train ride east singing warrior songs with the other boys because they, unaware that they were going to be saved, thought they were going off to be killed and they wanted to face their deaths bravely.⁴⁷ As Plenty Kill recalls:

⁴⁵ Adams, 97.

⁴⁶ This is a very general gloss of an incredibly complex and shifting history. There were many different schools run by different sorts of organizations, which often changed over the years. This is a list of what is reported as having occurred

often, but not all of the schools engaged in each of the cruelties listed here, and not all of the children viewed their experiences negatively. Many Native American families consented to the white education of their children, and many children report positive experiences of their schooling. Even in these cases however, the education was underwritten by a racist ideology and law, and the choices available to native families were already severely constrained. Laws eventually usurped parents' rights to determine the education of their children.

⁴⁷ Nabokov, 216.

I could think of white people wanting little Lakota children for no other reason than to kill them, but I thought, here is my chance to prove that I can die bravely. So I went east to show my father and my people that I was brave and willing to die for them.⁴⁸

Upon their arrival at the school, they were systematically stripped of the key symbols identifying them as individuals and as part of a particular community, and then they were prohibited from using the strategies enabling them to maneuver through the world. When they arrived at the school, their native blankets and clothes were taken, their culturally meaningful long hair was promptly shorn, they were given a new, white, name, fed unfamiliar food in foreign surroundings and made to comply with strange rules which were enforced by frightening disciplinary and pedagogical techniques. The civilizing strategy emphasized by both the white "friends of the Indian," Native American survivors and historians is the immersion of the captive children in English so they would learn to speak and think in a civilized manner. Thus, they were instructed only in English and prohibited from communicating with each other in the only language they **knew**:

Convinced that pupils would never achieve English proficiency unless forced to use it as the sole means of communication, the school service was informed in 1890, 'pupils must be compelled to converse with each other in English, and should be properly rebuked or punished for persistent violation of this rule.'⁴⁹

⁴⁸ Adams, 98.

⁴⁹ *Ibid*, 140.

There is obviously more to tell about what injustices these children suffered than that misguided, but well-meaning racist white men and women stripped them of their heritage and their language. If one merely glosses this familiar historical story, it may not elicit in the observer the sort of visceral response often associated with cruelty. However, by examining a detail of this history, a particular instance in the life of a particular child, when obedience was demanded of him by the very people who deprived him of his means to understand what was being asked of him or why, the cruelty is striking. For example, take the case recalled by Lone Wolf of a younger boy in his class. He is taken from his family to school, stripped of clothes he is familiar with and forced to wear the costumes of others, fed unfamiliar foods, and does not speak nor understand the language of his captors. When he turns to a young fellow who is in the same position and he speaks to him in his own language, he is tackled by the supervisor, beaten, and his collar bone broken.⁵⁰ After all, as Adams reports in *Education & the Extinction*, the "no Indian rule...was easier to proclaim than enforce, causing school officials to devise all manner of strategies to encourage compliance."⁵¹ The following order was issued by the Commissioner of Indian Affairs, "You are instructed to see that this rule is rigidly enforced in all schools...in your charge."⁵² Severe corporal punishment was often used to force children to refrain from speaking their only language, and thus, from speaking

⁵⁰ This was witnessed and recalled by Lone Wolf, about another student from his school days.
Native American
Te.stimon:y. p220.

⁵¹ *ibid.*.

⁵² Prucha.202.

at all. When not beaten for speaking their native tongue, they were made to brush their teeth with harsh lye soap until their mouths were raw or to stand face-first in corner until they were able to speak English.⁵³

Some policy makers and educators thought corporal punishment inhumane and resorted to instilling in the children a racism and self-hatred great enough to compel them to be silent until they learned the language of the civilized. One can imagine why brutality or extreme coercion was necessary; children must communicate to survive, all the more so when they are forced into a foreign and frightening situation in which they will be severely punished for failing to comply with the rules. Those who enforced the prohibition against native languages were consciously fighting to destroy the forms of living of these children. As Pratt remarked, "all the Indian there is in the race should be dead."⁵⁴ Paradoxically and tragically, they seemed to believe that the survival of the children depended on forbidding their forms of living and surviving and punishing them for using them to survive. The concept of cruelty I have been proposing emerges clearly here: the children were punished for communicating in context in which their communication was vital to their survival and flourishing by the people who were not only charged with protecting them and enabling them to flourish, but who *meant* to help them. Thus they, like all the other victims of cruelty we have seen, were made to suffer by means of their form of living and flourishing.

^{s3} Ellis.

^{s4} Prucha, 261.

Breaking a boy's collar bone, for his own benefit, because he spoke in the only language he knew must be cruel. Lest we question the benevolence of those who enforced the rules of education like the "no Indian" rule, and assume that it was merely veiled malice or self-interest, note the following passages from different "friends of the Indian" of the day:

What this country should do, what the friends of Indian emancipation-rather let me say of justice, humanity, and equal rights-should do, is to [institute} a system which shall secure within a generation the education of all Indian children within the borders of the United States in the essentials of American civilization.⁵⁵

And,

When we speak of the education of the Indians, we mean that comprehensive system of training and instruction which will convert them into American citizens, put within their reach the blessings which the rest of us enjoy, and enable them to compete successfully with the white man on his own ground and with his own methods. Education is to be the medium through which the rising generation of Indians are to be brought into fraternal and harmonious relationship with their white fellow-citizens, and with them enjoy the sweets of refined homes, the delight of social intercourse, the emoluments of commerce and trade, the advantages of travel, together with the pleasures that come from literature, science, and philosophy, and the solace and stimulus afforded by a true religion.⁵⁶

They speak passionately about the Indian and what is necessary to educate and civilize him. They want to save him. And they believe that the only way to do that is to destroy his way of being in the world. The only way to destroy his way of being in the world is to

⁵⁵ *ibid*, 210.

^{s6} *ibid*, 223.

use it against him.⁵⁷ Thus, the Indians were made to suffer for their Indian-ness and

by means of their Indian-ness, which had served as their way of being and flourishing, as individuals and groups of the human life-form. In this case, unlike the previous two examples, the acts we call cruel are not motivated by malice and the intent to cause harm, rather, they are motivated by the opposite intentions.

Thus, far, I have claimed that one can't understand cruelty through an analysis solely of the particular violations committed in a particular instance of cruelty, the amount of physical or mental pain suffered by the victim, nor the malicious intent of the perpetrator. I have offered a formulation *of* cruelty that is common to examples varying in degree, circumstance and motive in which the victim's form of living figures centrally. I have tried only 1) to offer grounds for speaking of cruelty in general and 2) to demonstrate that those grounds must be expanded from the traditional ones of severe physical pain, extreme moral violations, and malicious intent. However, I have not yet catalogued traditional definitions of cruelty and placed my formulation along side them to see how they differ and how this formulation eludes the misconceptions and reduction of previous ones. Nor have I fully justified the elements of this formulation. More crucially, I have not yet demonstrated how cruelty, seen in this new light, is a challenge to humanity and to traditional ethical analysis of wrong-doing. All of that work is to be done in the following chapters.

⁵⁷ To the suggestion that perhaps the reformers were being cruel, Atkins says, "But it has been suggested that this order, being mandatory, gives a cruel blow to the sacred rights of the Indians. Is it cruelty to the Indian to force him to give up *his* scalping-knife and tomahawk? Is it cruelty to force him to abandon the vicious and barbarous sun dance, where he lacerates his flesh, and dances and tortures himself even unto death? Is it cruelty to the Indian to force him to have his daughters educated and married under the laws of the land..." P. 57 Obviously these questions are meant to be rhetorical

Chapter Two

PAST DEFINITIONS OF CRUELTY

In the previous chapter, I took for granted that the examples offered exemplified cruelty and began to move from an analysis of them to a description of the mechanics of cruelty in general. In this chapter I will examine and catalogue previous attempts to define and describe cruelty in order to see how they accord with the events described in chapter one, and to see where those definitions fall short. This chapter shifts our focus from the mechanics *of* cruel acts to the content of the ethical concept "cruelty."

The texts of philosophy, history, literature, and psychology are rife with accounts of human beings suffering and making each other suffer. There is no shortage of descriptions of acts as "wicked," "evil," "inhuman" and "cruel". Yet, I have grounded this project on the claim that there are actually very few descriptions and definitions of cruelty, *per se*, and that cruelty, in itself, differs from these other types of wrongs, about which plenty has been written. Cruelty is not the province *of* any one particular discipline, nor have any one author's writings on cruelty become authoritative; thus there has been little to rein in the use of the word and the invocation of the concept. Often cruelty appears in discussions *of* evil, wickedness and vice, as if it were merely a part of or an example of wickedness or evil, or an adverb like "very" that amplifies another term of violation. If cruel acts were also always wicked or evil and "cruelty" were indeed merely an amplifying modifier or an alternative name for wicked, evil or vicious acts, then the abundant discourses on these subjects should

be satisfying. There should be no remainder to bother about.

It may be argued that prior to sorting through previous ways of defining cruelty one should distinguish cruelty from wickedness, evil and vice, and prove beyond doubt that the label "cruelty" points to something more in cruel acts than descriptions of wickedness, evil and vice cover. I will say from the outset that I do not want to take on the project of distinguishing cruelty from evil, wickedness or viciousness. In some cases, cruel acts are also wicked, evil or vicious and wickedness, evil and vice appear as cruelty. In some cases there is no overlap. The occasional concurrence of cruelty with other moral disasters and the varied uses of the label "cruelty" do not indicate, however, that cruelty isn't a distinct kind of violation and that "cruelty" never demarcates it. Indeed, this project hones in on why cruelty is different from other violations when it is so and thus what the label "cruelty" indicates when it marks out this different class of violation.

This project is a meditation on what makes cruelty cruel; on what makes wickedness cruel, when it is so; on the variety of evil that is also cruel; on meanness when it turns to cruelty; on instances of violence and punishment that can be captured only by labeling them "cruel violence" and "cruel punishment." Until we place cruelty in the center of the investigation and discover what it is by itself, we will have no way of isolating it from other moral improprieties. Once we have a clearer definition of it, we may see when and how cruelty overlaps with other forms of badness.

In this chapter, I examine the descriptions of cruelty offered by

Seneca, Montaigne, and Judith Shklar. Their descriptions cover the range commonly offered by humanists and anti-humanists alike. A survey and analysis of these three theorists will be a sufficient introduction to the habitual descriptions of cruelty and the ways in which

those standard descriptions consistently fall short. An examination of our disappointment with previous definitions of cruelty reveals that most descriptions of cruel acts, and most uses of "cruelty" that have the potential to deepen our understanding of the concept, fall into three categories according to their focus. Each theorist focuses our attention on different aspects of cruelty, and their descriptions of cruelty are accurate for some instances of cruelty. None of the thinkers we will look at directly asks what cruelty is however, nor whether there are different kinds of cruelty, and none of their descriptions represents cruelty in general or on the whole. I have labeled the three trends in descriptions of cruelty as follows: 1) those that focus on the mental state or actions of the perpetrator, 2) those that focus on the effects of the actions, or the victim; and 3) those that focus on something particular about the act.¹ Not surprisingly, many of the major ethical systems can be similarly sorted. Nearly every account or description of cruelty labels it "inhuman" without offering an explanation of that term.

A note on method:

Due to the imprecise usage of the term "cruelty" in history and literature, one finds few guides with which to begin an investigation of cruelty, or having begun, to collect definitive uses of the concept, or descriptions of events to which the label "cruelty" properly refers. Generally speaking, a survey of political theory, history and

¹ Obviously some definitions straddle more than one category and some fall outside this range all together.

ethics reveals scattered, contradictory and impoverished definitions of cruelty. It is not usually treated on its own. In fact, many ordinary and elite discourses about cruelty are more often really concerned with violence and aggression in general, not with cruelty. Others, which do appear to be genuinely concerned with cruelty, rely on the concept to mark out the worst humans are capable of, inhumanity, or an action whose badness exceeds ordinary moral terms, but they rarely ask what cruelty is. Nor do they explain how an act's badness could exceed traditional ethical terms of explanation, or what it means that there are boundaries of "humanity" that may be breached by mentally competent human beings.

When cruelty is considered as the worst a human being can do,² it marks the

limits of the human. Judith Shklar notes, "when it is marked as the supreme evil it is judged in and of itself, and not because it signifies a denial of God or any other higher norm...it is a purely human verdict upon human conduct and so puts religion at a

certain distance."³ To affix the label "cruelty" to an action labels it as beyond further

explanation or understanding and beyond reparation; that is, beyond humanity. The label means the act is of a different kind than general acts of violence, aggression, or violations of legal and moral codes, which usually fall well within the limits of what is said to be human. The descriptions of cruelty offered by classical and

contemporary moral and political theorists confirm the sense that cruelty is indeed special, horrible, and in urgent need of being understood more deeply. But their descriptions do not

² Montaigne is famous for this claim, as are the liberal humanists that follow in his footsteps.

³ Shklar, *Ordinary Vices*, .9.

provide us with an understanding of the nature of cruelty itself, that is, of the "inhumanity" of cruelty, nor of the significance of accepting the inhumanity of those who perpetrate it.

Recent attempts to explain and interpret the human-made horrors of the 20th

century. confirm that radically horrible human acts (whether we call them "evil," "wicked," or "cruel") need, perhaps especially now, careful and thorough scrutiny. These attempts echo and confirm the voices that have condemned cruelty from antiquity to the present in their claim that cruelty, what ever else it may be, is unspeakable and inhuman. Like their predecessors, contemporary authors who address cruelty are typically galvanized by their horror at acts of cruelty. Their descriptions and definitions of cruelty are guided by questions such as, "How could this be?" "How could this have happened?" "Who is capable of this sort of thing? The guiding question of Mary Midgley's book,

Wickedness, is, simply, "Why does this happen?" ⁴ Jonathan Glover, who in *Humanity: A*

Moral History of the Twentieth Century, reflects on human-made horrors like genocide, writes in his preface, "Since I first heard about the Nazi genocide, I have wondered how people could bring themselves to commit such acts." ⁵ In a chapter explicitly devoted to cruelty, he asks: "The festival of cruelty is in full swing. What is it about human beings

that makes such acts possible?"⁶ Glover offers a three part answer.

Such acts are possible because: "There is a love of cruelty. Also, emotionally inadequate people assert

⁴ **Midgley**, 2.

⁵ Glover, 33.

themselves by dominance and cruelty. And the moral resources which restrain cruelty can be neutralized."⁷

Though questions like Midgley's and Glover's are compelling because they

acknowledge the horror of cruelty, this project on cruelty is not guided by them. My questions are not why cruelty exists and what kind of creature can commit it, or, to repeat Glover's words, "**What** is it about *human* beings that makes *such acts* possible?" I ask, "What is it about *such* acts that makes us question what a *human* being is?" That is, what can be known and said about "cruel" acts beyond the literal description of their constituent actions, the obvious physical and emotional damage they cause to both perpetrator and victim, and the familiar, but unenlightening characterization of them as inhuman? Why do such acts make us examine the kind of being we are? Cruelty exists,

and human beings commit it. My questions are more basic, and perhaps initially less viscerally satisfying than Glover's or Midgley's: What is cruelty, what does the nature of cruelty reveal about the nature of human beings, and what must ethical theories take into account in order to accommodate its reality?

The diversity of cruelty's appearances in history and literature makes it a rather unwieldy concept to study systematically, or with strict adherence to standard philosophical methods. A typical approach to the kinds of ethical problems provoked by issues like cruelty is to examine such questions from

the perspective of a particular body of literature, defined by period,⁴ discipline, theory, or author. For instance, one might study Kant's notion of radical evil, or vice within the context of virtue ethics, or

⁷ *Ibid*, 34.

punishment in medieval Europe. There are, however, no such treatises on cruelty. As

Shklar notes, "Philosophers rarely talk about cruelty...one looks in vain for a Platonic dialogue on cruelty."⁸ For many reasons, the subject of cruelty is not amenable to these historical methods.

Despite frequent references to cruelty in ethical discourses, there are really few

direct discussions of it. For instance, though the Stoics mention cruelty frequently as the worst vice, there is no Stoic tradition of investigating cruelty in its own right. (Cruelty thus stands in sharp contrast to concepts like mercy, anger or justice). If we examine cruelty from within the Stoic tradition, we may acquire a deeper understanding of the Stoics' use of the word "cruelty." Since a deeper understanding of cruelty is what we are after, such a result sounds, *prima facie*, satisfactory. In fact, however, cruelty is a parasitic chameleon that feeds on the substantial aspects of the theory in which it appears and fades away when one seeks to examine it by itself. Thus, an understanding of cruelty from the Stoic perspective reveals more about Stoic ethics generally than it does about the nature of cruelty in particular.

For examples, we will look briefly at how Seneca and Cicero describe cruelty. Each theorist mentions cruelty relatively frequently, casting it as one of the worst vices, but neither offers a settled definition. Seneca writes, "Cruelty is utterly inhuman, an evil unworthy of a mind so mild as man's. It is bestial madness to rejoice in wounds and blood, to cast off the man and turn into an animal of

the forest what makes savagery especially loathsome is that it goes
beyond the bounds first of custom and then of

⁸ Shklar, *Ordinary Vices*, 7.

humanity." ⁹ Seneca's formulation leaves the reader wondering in what sense cruelty is inhuman, why enjoying the pain of another is bestial, and what the bounds of humanity are, since humans beings aren't necessarily bound by them. The most striking feature of Seneca's writings on cruelty is that they don't teach the reader very much about what "cruelty" means.

Cicero, when speaking of the apparent conflict between duty and benefit, says,

"Nothing cruel is in fact beneficial; for cruelty is extremely hostile to the nature of man, which we ought to follow." ¹⁰ Cicero's condemnation of cruelty is tied to his notion of *humanitas*, the normative dimension of humanity, and so we must briefly look at his description of the "nature of man." Of this he says simply, "a man who is obedient to nature cannot harm another man... If he thinks that acting violently against other men involves doing nothing contrary to nature-then how can you argue with him? For he

takes all the 'human' out of a human." ¹¹ Cicero's conviction that violence between men is contrary to nature is striking. Against the reality of human affairs, and the ordinary acceptance that human nature is tainted, one may interpret Cicero's *humanitas* as grossly naive or blindly optimistic. In chapter three, we will investigate in detail concepts of humanity, such as Cicero's *humanitas*, that are threatened by cruelty. There we will see that the ideal of *humanitas* persists in many forms, implicitly underwriting most contemporary

notions of "humanity." I will suggest that dismissing the idea of

humanitas

⁹ Seneca, 55.

¹⁰ Cicero, 117.

¹¹ *Ibid*, 9.

either as inaccurate (as an observation) or as unattainable (as an obligation) misses the mark. *AB* it stands, however, Cicero's description, like Seneca's offers very little to enrich our understanding of what cruelty is, and what it violates.

Cicero and Seneca believe, in line with a Stoic understanding of vice, that cruelty is the accumulation of an already negative emotion or attribute, for instance anger or pitilessness, to an inhuman degree.¹² These theorists may differ about which emotion or attribute is out of proportion, and about the remedy. But each believes that cruelty results from the same sort of extreme disharmony and imbalance that marks any vice. Cruelty results from such a degree of disharmony as exceeds the bounds of humanity. From these descriptions of cruelty, we learn that the Stoics believe the virtue of humanity is a balance and that they figure vice in terms of the imbalance, but we don't learn what makes cruelty *this* vice, this vice of vices, what it is. We still don't know what is inhuman about this particular amount of anger or lack of mercy Seneca and Cicero call cruelty.

For another example, consider Plutarch's caution against cruelty that results from an excess of rage against injustice: "So, also in regard to pleasure we must do away with excessive desire and in regard to vengeance with excessive hatred of evil. For so in the former case one will not be apathetic but temperate, and in the latter one will not be savage or cruel but just." Rage often prompts vicious

behavior, but the claim that rage

¹² Cruelty is often presented as an excess of a negative emotion or trait or deficit of a positive one. For instance, Seneca usually presents cruelty as an *excess* of vengeance, or anger, which results in a kind of pleasure in causing suffering or sadism. Cicero generally presents cruelty as a deficit of humanity, of civility or temperance. Though cruelty can also arise from a quality that in moderation is good and in excess becomes evil. See footnote below for reference.

against *injustice*, in particular, prompts inhuman viciousness is perplexing. Ordinarily, justice is a human concept meted out in the human realm and thus, it is reasonable to think that rage against injustice is, in fact, expressly human. In what sense then, does too much of such rage result in inhumanity and therefore cruelty? An excess of anger and lack of mercy are in similar need of explanation. Why should one look to an excess of anger, or a deficit of mercy, imbalances to which all humans are susceptible, to explain the inhumanity, and thus, cruelty, of delight in causing pain?

The most significant short-fall in descriptions of cruelty such as Seneca's, Cicero's and others is that cruelty is understood as inhumanity, and inhumanity isn't sufficiently understood. How does a human act transgress the bounds of the human, becoming inhuman, due to the quantity of (human) emotion felt and expressed by the (human) actor? What do thinkers like Cicero mean when they claim that disregarding *humanitas* is inhuman, "against the nature of man"? According to the Stoics, delight in causing pain is the ultimate form of cruelty; in what sense is such delight not just a vice to be ranked with other vices, not just an instance *of* a human being acting badly, but, rather, something that disfigures *humanity*, and as such, the worst vice? What do thinkers like

Cicero mean when they claim that disregarding *humanitas* is inhuman, against the nature of man? Clearly "humanity", as it appears in discourses on cruelty, must designate something over and above the

biological category of our species. It appears that in order to make sense of it, we must understand it as a normative source of prescriptions or prohibitions, not just a descriptive category. But, the source of that normativity must be primary to ordinary sources of normativity such as cultural norms, habits, laws, or

virtues. In order to make sense of acts of inhumanity, we must understand humanity as something integral to our form of living, a kind of good we *should* be according the sorts of creatures we are, but not a good guaranteed to us by nature or history. We will return to this in more detail in the following two chapters, where we will see that making sense of the normativity of humanity forces us to relinquish a clean division between the descriptive and normative.

The theorists discussed above, like others, appear to assume that the inhumanity of cruelty needs no further explanation. Perhaps they understand inhumanity as a privative concept, as a lack of humanity. Shklar, in her analysis of injustice, observes the tendency in philosophy and political theory to "take it for granted that injustice is simply

the absence of justice." ¹³ Perhaps there is also a tendency to take it for granted that inhumanity is merely the absence of humanity, as evil is the absence of good. As we saw above, however, "humanity" is far from a clear, unproblematic concept. Thus, what it means for it to be absent, corrupted or deficient, since it can only be said to be so of one who possesses it, is even further obscured. In chapter one, we described cruelty as an act that uses a creature's life-form for its destruction. In what sense does the use of another creature's life-form for its destruction involve an absence of the perpetrator's humanity?

One can say that inhumanity is a privation of humanity without having told us anything useful about how humanity goes awry in cruelty, or

without having approached a description of cruelty. We want to understand the concept of cruelty in terms of what cruel acts violate, and so over the course of this project we will ask what "humanity"

¹³ Shklar, *Faces of Injustice*, 15.

must be if it can be violated by the act of making a creature suffer by means of the aspects of his life-form that should enable his flourishing. That is, what must be involved in our form of living as individuals and as members of a community (and bearers of the life-form human being) such that acts of ours that reverse the trajectory of another's life form violate not only the victim's, but also the perpetrator's form of living.

Efforts to understand the concept of cruelty that rely solely on the writing of a particular theory or period, like the one above, are, as we have seen, limited by their method. Such inquiries are not, however, without value: they succeed in showing that cruelty occupies the outer limits of whatever limns humanity for the particular theory in question, even if they fail to provide deeper insight into the nature of cruelty or into the humanity is it said to corrupt. The limited yield of this approach to cruelty should not surprise us, since we have little reason to suppose that Seneca and Cicero, like others who mention or describe cruelty, intended their brief descriptions of it to serve as comprehensive definitions.

Consequently, I will not divide the history of thought about cruelty according to traditional categories of ethical system, period or author. Rather, I will categorize and examine the trends and themes in the literature on cruelty in accordance with the categories I suggested earlier. Sorting the definitions without predefined boundaries will offer us a new perspective on the historical views. If we temporarily

discard the framework of any particular theory and examine cruelty

from further out, so to speak, we will see some definitive aspects of cruelty regardless of the theorist's orientation.

The most common view of cruelty focuses on the mental state of the perpetrator. The emphasis may be on the specific intent of the perpetrator: malice, the intent to wound, or sadism. Or the concern may be more generally with the psychological disposition or character of the perpetrator. This category of definitions obviously casts a wide net, including common intuitions about what makes an act cruel as well as many dictionary definitions of cruelty.¹⁴ The descriptions of cruelty that fall under this category differ from one another as dramatically as righteous vengeance does from sadism. Consequently, it may be objected that no general critique, which fails to attend to the details of each description, would suffice to discount them all. Close attention to a select few of them will reveal however, what shortcomings they must share, given their general similarities. **We will** see that they are all subject to the same sorts of objections, regardless of their differences. In addition, my aim is not to discount them at all; each one offers insights about cruelty, but none is sufficient.

Definitions of cruelty that restrict their focus to the malice or sadism of the perpetrator are too shallow and too narrow to carry us to the heart of cruelty's nature. A view confined to the agent's intentions **will** show what kinds of mental postures are labeled "cruel," and thus which ones test the limits of "humanity," but it will not show why those feelings/states/dispositions are cruel, how

they test humanity or what cruelty is. Additionally, this kind of⁵⁷
definition excludes many events ordinarily labeled cruel.

What I have classified as benevolent cruelty,¹⁵ for example, would
necessarily fall outside

¹⁴ Oxford English Dictionary, 2nd Ed.

¹¹ See chapter one for a description of benevolent cruelty.

the scope of descriptions of cruelty that require malice, as would cruelty done in ignorance or indifference, such as the experiments carried out by vivisectors mentioned in chapter one. Defining cruelty in terms of the perpetrator's intentions has three consequences: 1) it excludes obvious cases of cruelty; 2) our view of what cruelty actually does to the sufferer is obscured, and thus our understanding of the injustice done to him is incomplete; and 3) it implicitly reinforces the simplistic notion that the "humanity" violated by cruel acts is constituted solely by "good-intentions."

For our first example of descriptions of cruelty that rely on the mal-intent of the perpetrator, we will revisit the passage of Seneca's I quoted earlier; it is typical of those in this category. Recall that Seneca describes cruelty as "utterly inhuman, an evil unworthy of a mind so mild as man's. It is bestial madness to rejoice in wounds and blood, to cast off the man and turn into an animal of the forest."¹⁶ He does not tell us why delight in

killing is "bestial madness" and "utterly inhuman." The answer seems both obvious and inarticulable. Seneca continues: "What makes savagery especially loathsome is that it goes beyond the bounds first of custom and then of humanity."¹⁷ There are at least two

aspects of this definition of cruelty that make it compelling. We will see, however, that each aspect incurs problems that overwhelm its appeal.

Firstly, Seneca's definition of cruelty is deeply appealing because it reflects the extremity of cruelty, confirming the intuition that the core of inhumanity lies in the intent to do harm to our fellows, and that the worst suffering comes because another

¹⁶ Seneca, 155.

¹⁷ *Ibid.*

person desired it.¹⁸ Cruelty, whether ordinary, benevolent, or extraordinary, tends to evoke a profound, visceral response; a turning of the head or stomach, the sense that nothing more could be said, nothing could be worse. According to Shklar, "Cruelty...repels instantly and easily because it is 'ugly.'" ¹⁹ The following passage, from *The Brothers Karamazov*, makes cruelty's repellence unmistakably dear. Ivan observes:

People talk sometimes of bestial cruelty, but that's a great injustice and insult to the beasts; a beast can never be so cruel as a man, so artistically cruel. The tiger only tears and gnaws, that's all he can do...Soldiers take pleasure in torturing children, cutting the unborn child from the mother's womb, and tossing babies up in the air and catching them on the points of their bayonets before their mother's eyes... doing it before the mother's eyes was what gave zest to the amusement. Imagine a nursing infant in the arms of its trembling mother, surrounded by Turks. ...they fondle the baby, they laugh to make it laugh, and they succeed-the baby laughs. At that moment a Turk aims a pistol at it, four inches from its face. The baby laughs gleefully, reaches out its little hands to grab the pistol, and suddenly the artist pulls the trigger right in its face.²⁰

If Ivan is right that "doing it before the mother's eyes" gave "zest to the amusement," then pointing out that fact establishes for the reader the sadism of the soldiers beyond doubt. Seneca's definition of cruelty, applied to *The Brothers Karamazov*, invites us to focus on the perpetrator's malice over and above his acts, horrible as they are in this case, as the element that causes such a strong response in the reader. Once we do, it seems ridiculous to inquire deeper into why it is considered so horrible.

The risk in defining something as intimate and horrible as

cruelty is that in the effort to be precise and comprehensive, one might unjustly exclude some variety of

¹⁸ In chapter four, on response and responsibility, we will investigate the persistence of this intuition.

¹⁹ Sklar, *Ordinary Vias*, 9.

²⁰ Dostoevsky, 239.

suffering which takes itself to be the result of cruelty. Descriptions of cruelty that locate the inhumanity of cruelty in the perpetrator's mal-intent, **like** Seneca's, seem, at first glance, to include the most repugnant cases of cruelty. They satisfy the need to place cruelty, the suffering it must cause, and the disfiguration it must cause in the soul of the

perpetrator, in their rightful place as the worst, about which nothing more can be said except that it was caused by or is evidence of the perpetrator's inhumanity. (Such descriptions however, do not explain why cases of cruelty involving sadism are the most repugnant.)

Insisting on the sadistic perpetrator of cruelty seems to immediately and neatly answer the question "why do I suffer?" with "Because you wanted me to and you made me because my suffering gave you pleasure." And, as theorists from Nietzsche to Shklar warn us, better to have someone to blame than no one at all. As Shklar puts it, "Someone simply must be blamed to maintain the unquenchable belief in a rational

world..."²¹ However well this type of description accommodates cases of sadism and

extraordinary cruelty, it dulls our sensitivity to less dramatic (but not necessarily less horrible) cruelty. Certainly most instances of sadism or relishing the suffering of another are cruel. But not all of them are,²² and not all instances of cruelty involve this particular

vice.

The second appeal of citing the perpetrator's vicious intent as the source of cruelty's extremity, is that it reassures us of the moral status of cruel acts. Insisting that

²¹ Shklar, *Faces of Injustice*, 54.

²² For an example of rejoicing in the suffering of another that may not be cruel, consider the pleasure of certain forms of revenge and punishments of grave crimes.

the inhumanity of cruelty lay in the perpetrator's malice confirms that he is a moral agent, and thus, within the moral realm. We may rest assured, therefore, that cruel acts and their perpetrators fall within the practices we have for dealing with even such extreme violations of moral codes. *A15* we will see, this reassurance may not be warranted.

The intention of the agent is always a critical issue in ethical theory and practice. An agent who acts badly with vicious intent, thereby secures his place as a *moral* agent, subject to moral rules and practices for violating them. His intention sufficiently confirms his fitness for moral accountability (he clearly possess reason, acted voluntarily, and was able to anticipate the consequences of his actions, etc). Focusing on the perpetrator's intention, particularly in an act like cruelty, allows us quickly to distinguish acts of ignorance, carelessness, accident and nature from morally egregious acts such as cruelty, allowing us to fix the doer to the deed, securing his guilt and justifying our blame. The conviction that there is a difference between acts caused by stupidity, carelessness, nature, and cruelty, and that we can perceive the distinction, is at the heart of any moral system. Descriptions of cruelty such as Seneca's direct us immediately to the intention of the perpetrator, as if to take a short cut to the irrefutable *moral* badness of his actions or character.

Indeed, one can readily see that vicious intent is often the critical element in determining whether an act is a natural disaster,

necessity, tragedy or, a *morally relevant* act, such as cruelty. The result of our determination critically influences our responses to the act, the agent and the victim. The answers to why something horrible has happened to a person, or why someone has done something to another inform our judgments of

what has actually happened to the victim and help us position ourselves with respect

to the actor, the victim, and the action. If the answer is that someone intended the victim's suffering, then the negative moral value of the act is nearly always clear: it is wrong, bad, or vicious and the harm to the victim is an injustice for which someone may be called to task.

We will see that cruel acts threaten the assumptions about human

beings underlying the distinction between cruelty and natural misfortune,²³ which

inspire us to devote our primary worry to an agent's intention in the first place. Understanding how the distinction between natural and moral horrors serves us, why cruelty challenges this distinction, and the role of intention in making these determinations are all critical for understanding the nature of cruelty and why it is so difficult to articulate.

Seneca's characterization of cruelty seems undeniable, but it does not offer us insight into what he and others mean when they label cruelty "inhuman," nor why they do so on the basis of the perpetrator's sadistic intent, nor does it tell us what the boundaries of the human are, what is past them, and what is at stake in preserving them. Descriptions of cruelty that focus on the malice of the perpetrator leave us with the following questions: To enjoy causing another to suffer is certainly ugly, and "repels

²³ I am contrasting "natural misfortune" here with "moral evil." According to thinkers such as Midgley, Shklar, and Susan Neiman, this is a modern distinction that contrasts events with moral significance--that *is*, events for which humans can be blamed, held responsible or punished, with disasters with non-human causes. How theorists talk about this distinction is pertinent to our exploration *of* the concepts of humanity and inhumanity and we will investigate it further in the next chapter.

instantly and easily." But why? According to thinkers like De Sade,²⁴ and even Montaigne,²⁵ sadism is dictated by nature. How could something so commonplace, so human, explain the unique shock caused by cruelty? One of the most apparent difficulties in accepting Seneca's formulation without further ado is that though it captures the extremity of cruelty, confirming certain intuitions and easing certain anxieties, it is really a reiteration of the issues and questions brought out by cruelty. It does little to further our understanding of cruelty or the humanity it violates. Humans are obviously quite capable of "bestial madness" and "inhumanity," as human behavior relentlessly shows us. A useful description of cruelty must also illustrate the prescriptive and prohibitive aspects of the "humanity" it violates. My objections to this formulation of cruelty are 1) that it excludes benevolent and ordinary cruelty,²⁶ and 2) that it leaves open the questions of how the limits of custom and humanity have been violated when one person delights in the suffering of another.

Montaigne

For a more passionate and complex description of cruelty, we will turn to Montaigne. Montaigne's work on cruelty falls into all three of the categories into which descriptions of cruelty tend to fall.

Consequently, I have devoted a larger portion of this

²⁴In *Philosophy in the Bedroom*, Sade makes the claim that "Man follows Nature's impulses when he indulges in homicide; it is nature who advises him, and

the man who destroys his fellow is to Nature what are the plague and famine..."

² "Nature herself instills some instinct for inhumanity in man."
Montaigne, 314.

^u, AS defined in Chapter One.

chapter to him than to the other theorists. Mostly, I refer to his essays "On Cruelty," and "Apology for Raymond Sebond."

Montaigne expresses his most unequivocal condemnation of cruelty and inhumanity in the following, famous quotation: "I cruelly hate cruelty, both by nature and by judgement, as the extreme of all vices." ²⁷ As Shklar notes, he is one of the few

thinkers to have unwaveringly ranked cruelty as the worst vice. He is also one of the few to dedicate entire essays to cruelty. She laments, in *Faces Of Injustice* and *Ordinary Vices*, that theorists, even moral and political theorists, from whom one might reasonably

expect concern with cruelty, tend to eschew addressing cruelty in favor of talking about other vices, but more often, in favor of discussing the virtues. Justifying Shklar's lament, Montaigne opens "Of Cruelty," with a meditation on the conditions for acting with the greatest virtue (though, of course, he moves on to cruelty). Montaigne's introduction to "cruelty" seems strange because it does not appear to be about cruelty at all. He ranks acting virtuously naturally, out of self-restraint, and out of disciplined habit. He concludes that the latter is the greatest, and to win the fight against one's inclinations towards vice is second best, while being naturally inclined toward virtue, since it requires no reason, no fortitude, no discipline, is more akin to innocence, and deserves little respect. He places himself in the last category of those constitutionally averse to many of the vices and particularly to cruelty, hating it by "both nature

and judgment."

Here he writes that virtue must be something one grows into, achieves; it is something "nobler than the inclinations towards goodness that are born in us." In

²⁷ Montaigne, 313.

contrast to more classical notions of virtue, he believes that we do not achieve the highest virtue merely by "being led gently and peacefully in the footsteps of reason."²⁸ For in much of his work, Montaigne is skeptical of the traditional picture of virtue as arising solely from rational human knowledge.²⁹ He often lauds the compassion and empathy of purer natures, contrasting their goodness with natures corrupted by arrogance and reason. Reason may provide us a means of combating our vices and controlling our unruly desires, but it also may distort our more gentle passions, like empathy and humility, producing characters gripped by rigid arrogance and callousness. The highest virtue, it appears, is not won in a battle between reason and the passions, but between the vicious passions and the virtuous passions, with reason, perhaps, as an intermediary or a check on vice, but not the source of virtue.

I suggest that Montaigne's concern in the beginning of "On cruelty" is to provide

the reader with a picture of the humanity that cruelty is a privation or distortion of. The states of being juxtaposed to cruelty, according to Montaigne, are not states of reason, or states of virtue acquired through arduous challenges to one's body and spirit, though those are important in the acquisition of real virtue. Nor is cruelty's opposite a natural goodness inherent in some. Rather, cruelty is opposed to the joy and exuberance that comes from the "virtue which has climbed so high that it not only despises pain but

²⁸ *Ibid*, 306.

²⁹ In *Apology for Raymond Sebond*, he begins saying, "I do not believe...that knowledge is the mother of all virtue, and that all vice is produced by ignorance.," 319.

rejoices in it and feels tickled by the pangs of bad colic..."³⁰ For examples of this highest state, he writes about the men who demonstrated the greatest virtue, Cato and Socrates, at the moment of their deaths. Of the former, he says, "I seem to read in that action I know not what rejoicing of his soul, and an emotion of extraordinary pleasure...". Of Socrates, he writes, "By that quiver of pleasure that he feels in scratching his leg after the irons were off, does he not betray a like sweetness and joy in his soul...".³¹ Montaigne writes of the joy expressed in souls of the highest virtue that it is "no longer a laborious virtue, or one formed by the ordinances of reason and maintained by a deliberate stiffening of the soul; it is the very essence of their soul."³²

As such, it is above pain, dread and circumstances. It is joy despite the circumstances of one's life, merely for the living of it. Note: he characterizes the highest virtue as a joy of being-not as goodness or good will.

Once past the introduction, we see that in "Of Cruelty," Montaigne does not present a uniform picture of cruelty. He sees cruelty in the familiar scenarios of war and torture, and in more counterintuitive events, such as hunting. As the extreme of all vices, cruelty may appear wherever human beings are at their worst. And we may be at our worst anywhere our actions are subject to evaluation, particularly, when our best is at stake (For examples, think of the justice system, love and friendship, battle,

child rearing,

³⁰ *ibid.*, 308.

¹¹ *ibid.*, 310.

³² *ibid*

education, and medicine. All of these are classic places to look for human achievement and virtue; they are also classic places to look for vice, and in particular, for cruelty).

Montaigne enriches the study of cruelty in four ways that we will explore. First, he offers a refined vision of the relationship between the passions and reason in the battle for the virtues. Second, he offers a refreshing take on the problem posed by the pleasure sadists take in another's pain.³³ Third, in Montaigne, we discover a theorist who puts cruelty first, confirms the badness of cruelty beyond doubt and acknowledges the value of intuitive revulsion to cruelties of all sorts, even those that occur in the most, tame, ordinary places. That is, he acknowledges the expansiveness of the label "cruelty" by including under it acts that are mundane and well within the bounds of law or custom. Fourth, at times, he redirects his focus from the actions and qualities of the perpetrators of cruelty to the nature and needs of the victims. In so doing, he shows some of the complexities of producing a complete description of cruelty as we saw in chapter one, which must take into account the life-form of the victim, which is turned against him during acts of cruelty.

If we return to the three trends in defining cruelty mentioned earlier in this chapter, Montaigne, touches on all three (focus on the perpetrator, the act, or the victim)-appealing to each one as it highlights different elements of cruelty and the humanity cruel acts

violate. He falls short, however, of providing a complete picture of cruelty. Instead, he leaves us with an expansive, but disjointed (and sometimes

„ Note that the problem of sadistic pleasure is rarely theorized. So, nearly any take on it is refreshing.

apparently contradictory) impression of the many facets of cruelty.

He also leaves us with complicated questions. We will begin with the following ones: Once we see cruelty in ordinary occurrences, we must re-think what exactly about cruelty is so extreme. What characterizes the extremity of cruelty in ordinary cases? Is it the same as in extraordinary cases? In relation to what can we see the extremity of cruelty clearly? Is "extreme" the most accurate descriptor of what makes cruelty cruel?

In some cases, the answer is yes. In Montaigne's examples of war and torture the extremity of cruelty is clear, due to the already extraordinary nature of war and torture. Even if war and torture occur frequently, it is hard to believe that they could be assimilated into a culture as "ordinary" because their principles and tactics are antithetical to those that sustain a society (even if they are also necessary intermittently). As Freud puts it, "war is in the crassest opposition to the psychical attitude imposed on

us by the process of civilization, and for that reason we are bound to rebel against it..."³⁴

What is extreme and repellent about the cruel acts that occur as part of war or torture then can be attributed to the extremity and repulsion of war and torture themselves.

In other of Montaigne's examples, the extremity of cruelty is less transparent. For example, consider Montaigne's revulsion for killing animals for sport and food. These events are neither extraordinary nor extreme. In fact, they are mainstream, and some

would say necessary. We must ask then, in what sense does he think they are instances of the "extreme of all vices"?

³⁴ Rotty, 262.

First we will examine Montaigne's characterization of the cruelty in war and punishment. Excesses in war and punishment are instances of cruelty that reveal cruelty's extremity clearly. Montaigne condemns practices of war and punishment that go beyond the mere killing of someone (such as, torture or crucifixion), saying, "As for me, even in justice, all that goes beyond plain death seems to me pure cruelty..."³⁵ If torment before

death has any juridical use, it can be only for the witnesses, not the condemned. Thus, Montaigne advises, "that these examples of severity, by means of which [they want] to keep the people at their duty, be exercised against the corpses of criminals..." rather than against the living person. He describes torture (as well as a range of less severe physical punishments, such as whipping) as "inhuman excesses, which should be exercised against the shell, not against the living core." He praises the mercy of those such as, Artaxerxes who, having condemned his men to a whipping, lashed their clothes instead of their bodies.

Initially, he seems to measure the *extremity* of punishments that may be considered cruel in terms of their necessity. It is not necessary to quarter a man alive when one can quarter his corpse just as well and with the same amount of spectacle. Likewise, it is not necessary whip a man into submission, if whipping his clothes demonstrates dominance and mercy equally well. Thus, quartering and whipping are cruel because they are unnecessary. What is unnecessary is excessive.

Cruelty, thus figured, is extreme because it involves acts that cause

more pain or damage than "necessary," at least in punishment and war.

³⁵ Montaigne, 314.

Identifying cruelty with unnecessary pain, punishment, or violence is common throughout the history of thought about cruelty. Such formulations appear frequently in Plutarch's writings, British and American Anti-cruelty societies' definitions of cruelty, in WW II survivors' analyses of the cruelty of death camps, as well as in the United States supreme court's interpretations of the Eighth Amendment. The popular argument that an act of harm qualifies as cruelty because it is excessive, or unnecessary, however, merely replaces one set of unexamined concepts (humanity and inhumanity) with another (necessary and unnecessary), and is therefore equally disappointing.³⁶

For now, I will just say that pointing out that an act was necessary (in some way) in order to explain away the cruelty does not succeed. Whether an act was necessary for some end is a different question than whether an act was cruel. Conflating them invites us to focus on evaluating the necessity of the act in question, or on the end considered so necessary that any means of achieving it are justified. These calculations inevitably shift our attention away from the nature of cruelty and the justice or injustice of it, to what makes an act justified, often revealing a consequentialist paradigm in which the value of a life is understood in terms of its usefulness for some end or another. Additionally, often, acts that are cruel may also be considered necessary with no apparent contradiction. There are plenty of cases of cruelty that some person, institution, or nation

could claim as necessary in some sense for some end, which in no way abrogates the cruelty of them. One could argue that there are also cruel actions that are truly justified and necessary by all accounts, without denying their cruelty.

³⁶ Cruelty's appearances in legal discourses rely heavily on this formulation.

Montaigne's occasional concentration on the excesses of cruel acts appears to align him with those for whom the cruelty of an act is determined not by something about either the perpetrator or the law, but rather, by the act itself. In this case, the criteria would be the act's necessity relative to some end. As will become clear shortly, however, a cursory examination of what makes an act "unnecessary" or "excessive" in

Montaigne's eyes quickly returns our focus to the perpetrator's intent.³⁷ His use of these

terms is decidedly not consequentialist.

In Montaigne's description of cruelty as specialized sadism we can see more clearly what it means for an act to be excessive and unnecessary. Loosely interpreted, sadism involves taking pleasure or satisfaction in another's pain, whether or not one causes it, and whether or not the causing of such pain also happens to be considered

necessary.³⁸ But Montaigne speaks of those who cause pain specifically and only to derive

pleasure. He speaks of,

...souls so monstrous that they would commit murder for the mere pleasure of it; hack and cut off other men's limbs; sharpen their wits to invent unaccustomed torments and new forms of death without enmity, without profit, and for the sole purpose of enjoying the pleasing spectacle of the pitiful gestures and movements, the lamentable groans and cries, of a man dying in anguish. For that

is the uttermost point that cruelty can attain.³⁹

³⁷ Many legal sources in which an act is deemed cruel in so far as it is excessive define "excess" without reference to the perpetrator's intent.

³⁸ For an example of sadism coinciding with infliction of pain that is necessary consider the following example: A doctor must tell a couple that he has been unable to save their child's life. This news **will** cause them unbearable pain and one would expect the doctor to dread being the bearer of it. But imagine that for whatever reason (he is a sociopath, he is in a state of utter depression and consumed by misanthropy and the horror of the news confirms his sense that the world is rotten) he enjoys telling the parents the news. He derives some kind of pleasure from it. By most accounts, his pleasure could be classified as sadistic, but the pain he enjoys inflicting here is no doubt necessary.

³⁹ Montaigne, 316.

Montaigne concludes the description of cruelty at its worst, with the following quote

from Seneca: "That man should kill man not in anger, not in fear, but only to watch the

slight. Again, in any kind of sadism, the extremity of cruelty is readily perceptible.

The frivolity of the pain is even more transparent here than in the earlier examples of war and torture.

An act is "unnecessary" in this context relative to the perpetrator's answerability for it; it lacks anything that could count as an answer to the question "why did you do it?"-not even anger, or enmity, or profit, which are reasons because they may explain an act, even when they do not provide a moral justification. Bereft of even these, there is no other reason than "for the sight," which does not give one anything like an explanation nor reason about whose necessity one could argue.

This line of thought will quickly deliver us into the intense and slippery debate in ethics over the nature of practical rationality. With due respect to the intricacies of that debate, they are beyond the scope of this project and so I will leave them aside. I will say only that on one hand, "for the sight of it" can clearly motivate a person to do something where he has no other motive to do it. When it is offered as the agent's motivation, it has most of the trappings of a reason about which one *could* argue the merits or demerits. On the other hand, we should note that there is a way in which "for the sight" isn't

at all as the same type of reason as, say, "to deter him from vice," or,

"because it was medically

⁴⁰ Seneca,.155.

necessary in order to save his life," or "she wanted me to," or "I thought I should," or

for
revenge, " etc.⁴¹

We can speak generally about the difference between "for the sight of it" and the second set of reasons and try to capture why Montaigne thinks the first is evidence of an act's extremity when it is offered as an answer to why someone inflicted harm. If "extreme" means farthest from the center,⁴² then what center is "for the sight" farthest from? "For the sight of it" does not even feign belonging within a community's repertoire of acceptable answers to why one has committed a morally questionable act. Answers about why one has done something should acknowledge that the actor belongs to his community and is answerable to his community for his actions. Let us presume that this sphere of accountability is the moral center to which one is asked to relate when asked one's reasons for acting. Acceptable responses may aim to absolve the speaker, to dispute the facts, to help another understand his actions, to prove innocence, to take on culpability, or some combination of these.⁴³

"For the sight of it" is troubling as a reason for what one has done because such an explanation should allow others that belong to one's social world to make (specifically

⁴¹ Comprehensively articulating the difference between "for the sight" and the second set of reasons is, again, beyond the scope of this project.

⁴² Oxford English Dictionary, second edition.

⁴³ In " *Responsibility*," J.R. Lucas claims that responsibility "is concerned with having to answer a certain question, namely why one acted as one did." He lays out the conditions in which the question "why did you do it" can fail, and ways in which the person asked may claim the question is inappropriate. For example, he says, "The question can fail in a number of ways: because the wrong person is being asked, because what one did was not really an action, or because it was wrongly characterized." But to give the answer "for the sight" neither accepts nor acknowledges the moral value of one's actions, nor is it a denial of culpability or responsibility on the three grounds offered by Lucas. We will return both to Lucas's notion of responsibility and the challenge cruelty poses to issues of responsibility in theory and practice.

moral) sense of what one has done. That is, a reason is supposed to aid in evaluating the agent and the action. But "for the sight of it" doesn't help much. "For the sight" is an answer that disregards the reason one has been questioned in the first place. Such a response acknowledges one's participation in the social world (in virtue of being a response at all), while rejecting the commitments and rules to which one's participation obligates one. In chapter four, "Response and Responsibility," I will explore in depth what kind of reason "for the sight of it" is and how it challenges our concepts of responsibility and our practices for holding one another accountable.

Now we can fill out Montaigne's earlier condemnation of "inhuman excesses" as a denouncement of sadism, specifically, of causing another pain only for the sake of feeling pleasure oneself. This returns us to a description of cruelty that relies on the characteristics or disposition of the perpetrator. His disposition and motivations determine the terms by which we evaluate the suffering of the victim. Cruelty, on this account, is suffering that is caused strictly for the perpetrator's pleasure. Sadistic cruelty must involve, to use Primo Levi's term, "useless violence," the uselessness of which is determined by the absence of an answer to the question "why?" other than "it gave me pleasure."⁴⁴ The absence of any other answer indicates that the perpetrator has put himself and his accountability beyond the reach of those asking the question: his moral community. In that sense, then,

he is beyond the bounds of custom and humanity. In

⁺⁴ I should note here that Levi's description of what counts as "useless violence" is deep and complicated and in fact, unlike Montaigne, he would likely include the infliction of suffering for the pleasure of the agent as a reason, as an explanation, and thus, as a use. He concludes that the actions of the Nazi's in WWII were, for the most part, not driven by reason, or emotion that would account for them-the Nazis were not sadists and monsters, and there was no reason at all for violence that was useless.

narrowing cruel acts to "useless violence," however, we not only rule out too many acts ordinarily considered cruel, but also the agent who finds pleasure in another's, perhaps very useful, pain, even if he didn't cause it.

Defining cruelty as sadism is sometimes accurate and often attractive. Sadism, as defined previously by Seneca and (occasionally) Montaigne, provides ample space for those who wish to argue that virtuous character and action result from reason's victory over the passions. Simply put, if cruelty (re: sadism) is the worst vice, and sadism involves inflicting pain solely for the pleasure of the spectacle, then cruelty, the worst vice, consists of passions (so long as we insist that "for the sight" doesn't count as a reason.) If we maintain that vice involves the incontinence of reason, and, thus, the worst vice involves a total absence of reason, or at least irrationality, then presumably, we may console ourselves that reason is the antidote to vice, and thus to cruelty. Of course, few theorists make such a simplistic argument, but many (except for those such as Plutarch and Montaigne, of course) do indeed privilege reason as the defining characteristic of humanity and the antidote to inhumanity, vice or wrong-doing. Thus, pitching cruelty as sadism and sadism as reason-less, pleasure-producing violence, permits us to maintain the traditional equation of virtue and humanity with reason, and vice and inhumanity with irrationality.

Neither Montaigne nor we can be satisfied with a description,

like the one above, that restricts "cruelty" to acts of irrational, useless, unnecessary violence inflicted only for the pleasure of monsters, demons, sadists, and others beyond the pale. Theorists and novelists, especially contemporary, post holocaust theorists, (e.g. Arendt, Levi, Amery,

Coetzee and others) have spent lifetimes unmasking these demons and monsters, revealing most of them to be unmistakably ordinary, human and rational. Likewise, theorists and novelists, of the past and present, have delicately articulated cruelties far more subtle, though no less damaging, than the crude violence characteristic of sadistic cruelty. (For historical examples, consider any instance of benevolent cruelty or institutionalized cruelty such those that occur in racism and slavery by ordinary, and in many cases, law abiding, citizens). In fact, Montaigne's most compelling insights on cruelty concern the ordinary-ness of it.

Indeed, Montaigne expands the range of incidents that count as cruelty to those more subtle, more rational and less monstrous than sadism.⁴⁵ He *is* not under the illusion that cruelty is limited to instances of pain inflicted solely for pleasure. Thus he allows cruelty to sneak in where reason and reasons, justifications, customs, and humanity are also present. Montaigne perceives cruelty in ordinary (and systematic) circumstances, such as racism, and our treatment of animals, and in cases in which the act in question is sanctioned by the law. In these cases, despite the acts' remoteness from the "uttermost point that cruelty can attain," sadistic cruelty, they are, nevertheless, cruel. He includes acts that are well within the law, even dictated by the justice system in his examples of cruelty. Of executions, he says, "Even the executions of the law, however reasonable they may be, I cannot witness **with** a steady gaze."⁴⁶

⁴⁵ These more subtle cruelties are often overlooked because they clearly are *not* cases in which an agent is motivated to inflict harm by perverse desires or reasons such as "for the sight."

⁴⁶ Montaigne, 314.

If executions are ordered by law, then they in no way fit the model of the "uttermost reaches of cruelty," nor of "souls so monstrous that they would commit murder for the mere pleasure of it." Legal executions take place regardless of anyone's enjoying them. They are the practical enforcement of laws deemed so important that whoever breaches them is condemned to die. If there is cruelty in legal executions as such, then it is not likely to be the result of any one person's passion having overtaken his reason; the feelings of those who issue the sentence and those who carry it out are supposed to be irrelevant. In perceiving ordinary, benevolent, legally sanctioned cruelty, Montaigne upsets the traditional dichotomy between reason and virtue on the one hand, and irrationality and vice on the other.

Recall that Seneca first defines cruelty as acts of savagery that go "beyond the bounds first of custom and then of humanity," and that, by most accounts, he seems right. However, it is and was in Montaigne's time customary for decent, civil men to eat meat, to hunt, to beat, flog and execute criminals. And yet Montaigne and others see cruelty in these acts. If Montaigne suspects a legally mandated flogging, execution, or hunt can be cruel, then not only is cruelty not necessarily marked by sadism in his eyes; it need not go beyond the bounds of custom at all. Cruelty still, however, goes beyond the bounds of humanity (recall that he criticizes the legally mandated flogging as "*inhuman* excesses"). This lesson was painfully repeated

throughout the trials and testimony from the war crimes of this past

century, which revealed ordinary citizens participating in their customs to be the culprits of unthinkable inhumanity. Thus, Montaigne acknowledges that cruel and inhuman acts may be t.1. thin the *bounds of custom*,

supported by the laws that are supposed to protect humanity and may be motivated by reason, which is hailed as the antidote to cruelty and vice.

Including ordinary (not just legal) events under the label "cruel" at first seems evidence of Montaigne's deep compassion: his charming tenderness and attentiveness to non-humans and victims of ordinary as well as extraordinary cruelty. But we cannot dismiss his awareness as merely the excesses of his sentiment-as he often seems to do.⁴⁷ His intuitions and sentiments about cruelty, especially ordinary cruelty, reveal the cost in making space for ordinary cruelties: they trouble the one description of cruelty all theorists seem to agree on: that it is inhuman. Either cruelty is not always inhuman, or humanity and inhumanity need to be given further consideration. Thinking through ordinary cruelty and its ordinary perpetrators forces us to face the possibility of the in human existing in the human, as part of the human, to take seriously Montaigne's fear that "Nature herself instills some instinct for inhumanity in man." Acts of ordinary cruelty show that, reason, law, moderation, compassion, or benevolence, do not constitute the dividing line between the worst, most destructive "ces and ordinary life.

Montaigne saw ordinary cruelty, often sanctioned by custom or law, as clearly as he saw extraordinary cruelty (certain forms of which were also often legal). In fact, he seems to see cruelty nearly everywhere, born not only from the usual suspects such as an

aberrant psychological trait or a profound deformity of humanity like sadism, but also from the very constitution of the human being. If the humanity violated by cruel acts cannot be understood as merely the possession of a special kind of reasoning, or

⁴⁷ Nor do I think we should conclude with Shklar that Montaigne focuses on the, virtue, courage or innocence of the victim!' solely to guard against the misanthropy of putting cruelty first

moderation of character, or the creation of and adherence to laws and customs in order to govern social interactions, then what is it?

Montaigne is far more explicit about the origin of cruelty in our human nature than he is about what of "humanity" it violates. As for the first, our arrogance and presumptiveness lead us to cruelty. Careful consideration of these qualities in conjunction with the examples of cruelty Montaigne provides, leads to the conclusion that Montaigne (rather radically) understands humanity as a quality that emerges or fails to emerge in people's relations with other sentient beings-that is, it is not a characteristic of the agent's relationship to him self (as are, say courage and temperance).

Rather, it belongs to the agent's relationships with others.⁴⁸ Chapter four is devoted to unpacking and examining concepts of humanity and there, I will argue that this relational concept of humanity is often what is missed in attempts to understand cruelty. Since the concept of humanity plays such a critical role in Montaigne's picture of cruelty, we will touch on it in this chapter, leaving off unfinished and often gesturing to directions to be followed in the next chapters.

If Montaigne thinks humans can be cruel because our constitutional arrogance and presumptiveness misdirect us in our relations with each other and other creatures, then he has made the problem of cruelty uncomfortably immediate. He has removed the divide that allows us to separate "ordinary" people from the perpetrators or victims of cruelty.

⁴⁸ We will also note that though the virtue of justice is classically a relational concept, it is *so* only when both parties are moral agents. Montaigne seems to require no such constraints.

His denouncement of cruelty as the most extreme vice comes, he says, from both his nature and judgment, which he reveals in his responses to the various instances of cruelty he offers. His nature is so tender that he says of himself, "I do not see a chicken's neck wrung without distress, and I cannot bear to hear the scream of a hare in the teeth of my dogs, though the chase is a violent pleasure."⁴⁹ These two instances that are intolerable to Montaigne, and that follow his denouncement of cruelty, should strike the reader as odd because they are not accepted or typical cases of cruelty at all. One may be tempted to object that they are too ordinary. Distress over a chicken's neck being wrung and finding a hunt unbearable are certainly not common in the customs and views of men of his time, and yet he has made no argument about why or how such events are so distressing. What are they extreme in relation to? Such examples prove Montaigne's tenderness and sensitivity, but how he means them as examples of the cruelty he denounces directly before them is less than immediately apparent.

If he resists charges of sentimentalism, it will be because such examples can,

indeed, be shown to be instances of cruelty, instances of human action that turn a creature's form of living against him for his destruction, even though they are within the

⁴⁹ The pleasure of this chase is different than the sadistic pleasure Seneca refers to; for here, though there is pleasure, and it is "violent," it does not correspond to the suffering of another, and thus from the mere presence of such pleasure, we cannot get to the viciousness of cruelty. If Montaigne had said that despite

himself, the moment when the hounds caught the hare and it screamed in their teeth was what aroused in him such a violent pleasure, then he would have confirmed Seneca's definition. But he makes clear that it is not the hare's pain that delights him. If he means the hunt to be an example of cruelty, then we must find its cruelty in something other than sadism. Thus, for the first time, the pleasure and the pain caused are causally separated. It just so happens that hunting is good fun and ends in a creature's suffering and death. The good fun is not due to the death of the creature at the end. This opens up the way for us to wedge in between an agent's intentions for his actions, his actions, the consequences and the judgment that it was cruelty.

bounds of custom (and some would say, "necessary.") The above examples are problematic either way. If they illustrate merely his (un-praiseworthy) natural hypersensitivity, then he has merely shown himself to be hypersensitive, perceiving even common place and necessary suffering as cruel-even if it is not. In which case, he has overshot his target and failed to expand the notion of cruelty to involve more subtle instances than sadism. Even worse, he has discredited himself as one in whom the reader should trust on issues of cruelty, much to the chagrin of anti-cruelty theorists in search of an eloquent and insightful ally. He has, in effect, bowed out of the discussion, excusing himself as an irrational sentimentalist.

Montaigne himself seems to have difficulty dealing with the consequences of his own convictions. His work is characterized by a turmoil that results from upsetting the divide between rationality, virtue, and humanity on one hand, and irrationality, cruelty and inhumanity on the other. Nearly all of Montaigne's examples of cruelty are also well established and accepted practices of his time. I have taken his examples as though he means them to be instances of cruelty and I have drawn my picture of what cruelty is for

Montaigne based on both those examples and Montaigne's claims. His work, however, is

sprinkled with self-deprecation and conceptual conflicts, which make it seem as though he stands in a troubled relation to his examples as ones of cruelty.

A tone approaching self-mockery appears throughout

Montaigne's discussions. There is nothing, he says, "that tempts my tears but tears, not only real ones, but all sorts, even the feigned or the painted." ⁵⁰ A bit later he says he "would weep readily to

⁵⁰ Montaigne, 314.

keep others company." Is he warning us not to invest too much in his tears, since he weeps even for those who are not actually suffering ?

⁵¹ Taking seriously his self-deprecation forces us either to abandon the excruciating seriousness of our topic and its victims, or one of the most profound theorists of humanity. On the other hand, if we take his examples as serious instances of real cruelty, in order to salvage the rich terrain of Montaigne's thinking on humanity and cruelty, then we must acknowledge that he is at bitter odds with his and our society about what is cruel. It has already been established

that a society may fail to acknowledge that its practices or laws are cruel, which doesn't,

of course, absolve them of cruelty. Calling cultural practices cruel generally requires some argument. Calling them "extreme" or an instance of the "extreme of all vices" requires even more explanation. Here we run into one of the biggest problems posed by the lack of scholarship on cruelty: how are we to argue that an act is cruel if we have no working definition *of* cruelty other than that it is inhumanity or that it goes beyond the bounds of custom and we have no working definition of "humanity" at all?

Montaigne gives us neither an explicit definition of cruelty nor an explicit argument for why hunting or \Tinging a chicken's neck is cruel. One way to make sense of this apparent omission is to say that he thinks cruelty arises from ordinary and constitutive human traits and how they position human beings in the world. The cruelty he sees everywhere: in the necessary, the legally sanctioned, the mundane

business of day to day human life, as well as in the unnecessary,
illegal and extreme instances, differ only

⁵¹ In fact, in another essay, "Cowardice, the Mother of Cruelty," Montaigne begins by describing the cruel character as follows, "I have observed that some of the most cruel are subject to weeping easily and for frivolous reasons."- in effect, describing himself.

by the degree to which they express these traits. He gives an ongoing critique of

human reason, arrogance and presumption, "our natural and original

malady."⁵² Our callousness, tyrannical will, lack of empathy,

sympathy, and mercy, and thus, our cruelty, are all characterized by

these traits. Thus, ordinary events like hunting involve the same

qualities that characterize the most extreme expressions of cruelty in

torture and sadism: arrogance and presumption and thus, our

misplacement of ourselves in relation to other people and animals.

The remaining three chapters will address how we should place

ourselves in relation to others and, more importantly, the source

from which "should," in the above phrase, gets its normative force.

The question remains if degree separates ordinary and extraordinary cruelty, not kind, then, again, in what sense is ordinary cruelty also extreme or the worst? One way of including acts of ordinary cruelty in the category of what is the worst is by pointing out that they, too, express our worst human traits, which can emerge in varying degrees and wreak destruction in varying degrees. Our worst, as said previously, is rooted in our "natural and original malady," arrogance and presumption. Arrogance and presumption may appear least dramatically as simply themselves and most dramatically as torture or sadism. Wherever they govern our interactions, we risk inflicting cruelty. Note that this

description of cruelty again relies on the perpetrator's qualities and

traits. Unlike the disharmony of character to **which** Seneca

attributed cruelty, arrogance and presumption are essentially intersubjective terms, characterizing an agent's posture towards the world

⁵² Montaigne, 330.

and others in it. Thus we see in Montaigne the glimmer of a description of cruelty that takes into account something about the world, the victim, and the perpetrator.

If Montaigne has succeeded in explaining how ordinary cruelty is also an example

of what is the worst in human action, then we may worry that cruelty that is driven by something constitutionally human renders the charge of inhumanity nearly meaningless. One may object that the picture of cruelty as ubiquitous in human affairs, driven by constitutive aspects of humanity, risks diluting what makes cruelty so peculiar and powerful, worthy of being hated cruelly as the extreme of all vices.⁵³ A number of

responses are possible at this point. First, we may accept cruelty's pervasiveness and its origin in essential features of the human character and on these grounds question the legitimacy of designating cruelty as extreme, peculiar and worthy of marking off the limits of humanity. Or second, we may accept cruelty's pervasiveness and essential relation to us *and still accept* it as extreme, peculiar and a violation of humanity. The difficulties arise from "humanity" as a term that designates something species specific but not necessarily normative, and the uses of it to designate something, as yet to be defined, clearly normative but not necessarily specifically human.

The first response is supported by the concern that, if cruelty is truly this pervasive and natural, then in what sense is it in contrast to our humanity? What, exactly, does it threaten, and why hasn't that

thing already succumbed to extinction given the long, dense history

of cruelty? The second response, accepting cruelty's status as the worst *and* accepting its ubiquity, nearly inevitably turns us towards misanthropy, to

⁵³ One may wonder, for instance, if Montaigne's view commits us to saying that all arrogance and presumption is cruel.

which Montaigne also succumbs. Cruelty may cease to seem remarkably ugly, or no uglier than anything else we humans do. It doesn't "disfigure humanity"; it is part of our figure. Shklar says,

Misanthropy is surely one of the hazards of putting cruelty first. If cruelty horrifies us we must, given the facts of daily life, always be in a state of outrage, overwhelmed like Hamlet by the density of evil. Montaigne was neither so paralyzed nor so desperate as to hope that mankind might simply stop reproducing itself, as Hamlet suggested to Ophelia, but at times he could not think of a single thing to say in favor of humanity. For positive qualities he therefore looked to those ultimate victims of human cruelty, the animals. The immediate impulse and strategy of those who put cruelty first is to look to the victims for moral reassurance.⁵⁴

Indeed, it is difficult to sustain tenderness and hope for humanity in the face of cruelty and the "instinct for inhumanity" in humans, but one who failed to have tenderness for human beings in general would not continue to put cruelty first. Cruelty attacks the very humanity of its perpetrators and victims (when those victims are human), and so putting cruelty first, unlike putting any other vice or weakness first, must also be out of direct concern for that humanity. These two responses are subtly different. In the first, we relinquish access to the powerful language of cruelty as a crime beyond other crimes, as a different kind of violation, in effect turning our backs on the evidence. The second response forces us to confront the difficult task of rNthinking what theorists mean when they say that cruelty violates humanity, given our nature and cruelty's ubiquity.

The final feature of Montaigne's thought on cruelty that I wish to note here is, as

Shklar points out in the above passage, his focus on the victims. I

wouldn't disagree with Shklar that Montaigne attends so carefully to the victims of cruelty in part to stave off his

⁵⁴ Shklar, *Ordinary Vices*, 13.

own misanthropy, but leaving it at that obscures one of his most insightful contributions to the study of cruelty. In fact, careful consideration of Montaigne's examples, and the victims in them, will give us a glimpse into the sort of humanity violated by cruel acts.

Montaigne's preferred examples of victims of cruelty, Shklar is right to point out, are most often the innocent and good, and thus, most often, non-humans. Their innocence is not incidental, but integral to the cruelty Montaigne is trying to convey. He relies on the guilt or innocence of the victim, the sort of creature they are, and their position with respect to the perpetrator, to understand the cruelty done to them. Thus, the idea that cruelty as an act must be understood in terms of the perpetrator, the victim,

and their relationship, begins to emerge; we begin to understand more deeply the

intersubjectivity of the "arrogance" and "presumption" that so agitates Montaigne. Montaigne consistently draws our attention to this relationship, and blindness to it evident in the perpetrators of cruelty. Awareness of this relationship must be critical to the humanity violated by cruelty.

Throughout "Of Cruelty," "Apology for Raymond Seybond," and "Cowardice, the Mother of cruelty," Montaigne, following Plutarch, urges us to expand our perception of those different from us. Humans, consumed by arrogance and fixated on reason and what truths rational procedures can verify, often fail to perceive another's

life as meaningful, worth living to the one whose life it is, and thus a life to which we owe ethical consideration. The following are typical entreaties from Montaigne:

Why do we deny them soul, and life, and reason? Have we recognized in them some inert, insensible stupidity, we who have no dealings with them except

obedience? Shall we say that we have seen in no other creature than man the exercise of a rational soul? Well, have we seen anything like the sun? Does it fail to exist, because we have seen nothing like it....How narrow the limits of our mind! ICicero). Are these not the dreams of human vanity...⁵⁵

And,

For myself, I have not even been able without distress to see pursued and killed an innocent animal which is defenseless and which does us no harm. And as it commonly happens that the stag, feeling himself out of breath and strength, having no other remedy left, throws himself back and surrenders to ourselves who are pursuing him, asking for our mercy by his tears.⁵⁶

The stag's surrender ends the sport of the hunt. It is not sport to him. The

attention his pursuers are supposed to pay to his tears should compel them to drop their weapons, either out of humility, mercy, empathy, or the ability to imagine how his life matters to him. Behind Montaigne's struggle to articulate the absurdity and cruelty of failing to perceive the fullness of the lives of animals, one can see a new application of the point made by Wittgenstein in a much different time and context: that the issue of other minds is not only an epistemological issue. The inner-lives, or souls of others is not a matter of doubt or certainty. That they wince, grimace or scream in pain is not evidence of the reality of their inner lives. Rather, we can interpret such behavior as pain-behavior because our attitude towards an other is, as he says, "an attitude towards a soul."⁵⁷ Montaigne produces story after story as "evidence" of the inner lives and virtue of animals, but he is caught, as Cavell might say, in the skeptic's trap, against which Wittgenstein tries to warn us. He wants to show, with all this evidence, that "We

owe

⁵⁵ Montaigne, 330.

⁵⁶ Montaigne, 316.

⁵⁷ Wittgenstein, 178.

justice and kindness and mercy to other creatures that may be capable of receiving it. There is some relationship between them and us, and some mutual obligation." ⁵⁸ The relationship between the perpetrator and his victim, be he bee, stag or man, is what makes this scene intolerable to Montaigne and it will be crucial in our final analysis of

cruelty. ⁵⁹ Note that the violation he responds to so powerfully is not of legal or moral

codes (made by God or Man). It is not in relation to something inside us (like reason), nor abstracted from us. Rather, the violation occurs in our relation with the creature before us and it is a violation of something in that relation, caused by our presumption and arrogance. Our obligation as human beings, then, is to something over and above obedience to laws and reason.

We will say for now that Montaigne understands cruelty and different kinds of

cruelties with respect not only to the perpetrator's qualities, dispositions, and acts, but also with respect to the nature of the victim, his qualities, disposition and acts and to the interplay between the two. To relate rightly then, humans need all of their faculties of perception unclouded by presumption and all of their faculties of knowledge uncorrupted by arrogance. Montaigne's sensitivity to this is what makes him unique and we will return to it shortly.

In conclusion, Montaigne contributes substantially to our investigation of cruelty, not only by putting it in a premier position,

but also by complicating and refining traditional descriptions of cruelty and humanity. By incorporating mundane,

⁵⁸ Montaigne, 318.

⁵⁹ This echoes Plutarch.

customary acts like hunting, flogging and execution in the context of cruelty, and by expanding the register in which we read cruelty to acts not driven by aberrant sadism, Montaigne has forced the theorists of cruelty to grapple with it in its reality, which is ordinary, human reality. He has made the problems of understanding cruelty infinitely more sophisticated and real, though no more transparent. So, along with Shklar, I hail Montaigne as a hero in any discussion of cruelty, not only because he "put it first," as she says, but because in honestly seeing why it should be ranked as the worst human action, he began the process of acknowledging both its ordinariness and its extremity.

Shklar

Next, we will turn to the political philosopher, Judith Shklar. Shklar is one of the few contemporary theorists to have addressed cruelty head-on, to "put cruelty first," and to note the lack of scholarship on cruelty. She launches her discussion of cruelty from Montaigne, who is, as she says, the hero of her book, because he put cruelty first, not only adding it to the list of vices but also committing to the valuation of it as the worst human beings could do to one another. Like Montaigne, Shklar tantalizes us with insights about the peculiarity and importance of cruelty such the following: "Cruelty is baffling because we can live neither with nor without it. Moreover, it puts us face to face

with our irrationality as nothing else does."⁶⁰ She acknowledges that the complications surrounding cruelty mirror the complications of thinking through humanity and other concepts foundational to the theory and practice of any moral system. But also like

⁶⁰ Shklar, *Ordinary Vices*, 3.

Montaigne, she stops short of following through on her insights, thus leaving the reader expecting and needing more. Thinking about cruelty inspires sweeping and often profound statements about rationality, human nature, and ethics. Hopeful as these may be, particularly when delivered by thinkers such as Plutarch, Montaigne or Shklar, they do not deliver the substance we are after.

Shklar believes that ranking cruelty as the supreme vice is often evidence of what she famously terms, the "liberalism of fear," a political orientation that begins from focusing on victims of injustice, even if it expands beyond the victim. She says,

... the liberalism of fear, which makes cruelty the first vice, quite rightly recognizes that fear reduces us to mere reactive units of sensation...One begins with what is to be avoided, as Montaigne feared being afraid most of all. Courage is to be prized, since it both prevents us from being cruel, as cowards so often are, and fortifies us against fear from threats, both physical and moral. This is, to be sure, not the courage of the armed, but that of their likely victims.⁶¹

Shklar contextualizes Montaigne for us, reading him as responding to Machiavelli and inspiring Montesquieu. She emphasizes that his stance on moral and physical cruelty is a radical one in the history of moral and political philosophy because doing so requires a reordering of the virtues and vices and thus a re-ranking of sources of normativity that justify the order of the virtues, often resulting in the coup of humanity over god or law. Though putting cruelty first, as she says, is not incompatible with a religious world-view, it dramatically affects how one understands and executes

personal

⁶¹ Shklar, .5.

and political choices and actions.⁶² She says, "To hate cruelty more than any other

evil involves a radical rejection of both religious and political conventions."⁶³ This is one of the most promising themes in her work on cruelty. Through her reading of Montaigne and Montesquieu, she shows us the difficulties of ranking cruelty as the *summum malum*. These difficulties range from coping with a slackened division between public and private virtues and vices, nearly inevitable misanthropy and skepticism (which are often the breeding ground of cruelty themselves-recall the sort of cruelty Plutarch mentions that arises from rage against injustice), and the impotence of god, reason or law to stabilize the moral order.

Shklar repeatedly says that putting cruelty first cannot be done by merely tacking it atop our not-to-do-list. Rather, it involves a "revaluation of values." Thus, she acknowledges the enormity and danger of such a task: inviting thinkers of cruelty, who take it as the worst vice, to take that valuation seriously and flesh out its implications. But she warns of those who begin to look at cruelty as the worst and,

would quickly find themselves faced with all the paradoxes and puzzles that Montaigne encountered. These will not go away. They are there waiting for us; we simply do not choose to recognize them as we would have to if we spoke about what we know.⁶⁴

⁶² Shklar offers a crystal clear example of the practical consequences of ordering the vices. She cites Gordimer's novel, *The Burger's Daughter*, in which a woman in South Africa witnesses a black man beating a desperately tired mule. She must make a choice between calling the white police on the man and protecting the beast, or abandoning the beast and saving the man from at least humiliation, if not physical brutality. Her choice reveals how she ranks the vices: on the side of the

political oppression of the man-the cruelty he has and will endure, or the persecution of the beast at the moment by this man. If she ranks injustice first, she will walk by. If she ranks cruelty first, she can not. P. 21-22.

⁶³ Shklar, *Ordinary Vices*, 8.

⁶⁴ *Ibid*, 44.

Among the puzzles and paradoxes she mentions are the resistance to talk directly about cruelty, the immediate identification of it with 'sadism,' the distracting discussion over whether or not human nature is innately aggressive, violent, and bad, etc. To this list I would add the philosophical puzzle of re-valuing the virtues and vices: specifically, revaluing them such that the *summum malum* draws its extreme negativity from a normative source that must be newly explained and accounted for.

The insight she gleans from Montaigne and others is that in putting cruelty first, we narrow and concentrate our ethical scope, and must see the uncomfortable intimacy of cruelty: "By putting cruelty unconditionally first, with nothing above us to excuse or to forgive acts of cruelty, one closes off any appeal to any order other than that of actuality."⁶⁵ Ethics traditionally measure wrongs against a standard outside of the private and individual realm-god, or laws, or reason. Conventionally, these are what violations violate-God's will, Natural or Political Law, or Reason. Shklar's insight is that we now have a wrong on our hands, the *worst* wrong, in fact, that can't be understood exclusively in terms of a violation of God, Nature, Man or Reason's laws. Rather, Shklar says of cruelty:

When it is marked as the supreme evil it is judged *so* in and of itself, and not because it signifies a denial of God or any other higher norm. It is a judgement made from within the work in which cruelty occurs as part of our normal private life and our daily public practice.⁶⁶

⁶⁵ *Ibid*, .9.

⁶⁶ *Ibid*, 44.

Cruel acts occur between individual creatures (even when the cruelty is institutional). Cruelty is, she says, reiterating Montaigne's emphasis on the intimacy of cruelty, "a wrong done entirely to *another creature*."

Shklar's insights are very exciting, and promise to lead us to a truly different, deeper and more comprehensive description of cruelty-one which doesn't exclude any kind of cruelty nor subsume acts of cruelty under violations of moral, legal or religious prohibitions. Sadly, we will be disappointed. Her insights lead the reader to anticipate a

description of cruelty that not only accounts for its new place at the head of the vices but

also helps us to understand what is displaced when virtues and vices are re-ordered and cruelty is seen as a "violation of another creature."

Shklar's insights prompt us to find a way of thinking about what cruelty violates, what is wrong with cruelty, within this intimate inter-subjective sphere, without appealing to some higher norm. Shklar does not, however, follow through; she does not ask *how* we are to rethink what a violation of

another creature is, if we are barred from saying it is only a violation of some higher

norm-we began this work in chapter one by incorporating naturalism into our discussion. This shortfall should not come as a surprise, for if we take Shklar seriously, we are faced with a daunting task: to find a new ethical language for talking about what goes wrong in cruelty.

Shklar's contribution is in making unmistakably clear the necessity of

rethinking how we understand the badness of cruelty-even if she stops short of doing it herself.

Despite Shklar's promising insights, her descriptions of cruelty unfortunately fall prey to the same insufficiencies as her predecessors' descriptions of cruelty. Her

discussion of cruelty is more complicated than Seneca's and it straddles the first category, focus on the mental state of the perpetrator, and the second, focus on the victim. It does not succeed in speaking of the violation of cruelty in terms of the relationship between perpetrator and victim. In *Ordinary Vices*, Shklar cursorily defines cruelty as "the willful inflicting of physical pain on a weaker being in order to cause anguish and fear." This is a relatively standard modern definition of cruelty. Despite its issuance from a theorist who addresses cruelty more directly than most thinkers, it excludes two important classes of cruelty. First, it limits cruelty to physical harm and in so doing excludes well known historical cases of psychological betrayal and manipulation (as literary examples, take Rufus, or Iago and Othello.) Second, Shklar's formulation of cruelty, like others that require the malevolence of the doer, limits the application of "cruelty" to harm done "willfully." Note, though, that Shklar's formulation of willful infliction of suffering is more expansive than the formulation of sadism we saw earlier, which limits cruelty to harm inflicted willfully *and only for the pleasure of* it. The same objections apply, however. Intuitively the doer's intent to wound seems inextricable to the cruelty of certain acts, and it is true that determining malicious intent is necessary in certain forums for judging certain acts to be cruel (e.g. in legal cases). As evidenced, however, by the deep and contentious treatments of "intention" in philosophical, legal and psychological discourses, establishing an actor's intent remains far from easy and determining the moral impact of intent

is even more dubious, whether tackled by theorists, or non-theorists.

Intent is crucial to many, and especially to the most dramatic, cases of cruelty, but not to all of them, nor does it define cruelty. One wouldn't want to be compelled to withhold the verdict on a torturer until one determined whether his intention was to wound, or rather, to protect his cause (or his life, or the lives of others), in the name of which torture happened to be a necessary means. Indeed, Shklar herself makes a clear distinction between the sadist and the torturer or perpetrator of public cruelty-the condition for the former is psychological aberration and the condition giving rise to the latter is a difference in power. But her own description of cruelty cannot account for the distinction she wants to make between the sadistic cruel torturer and the politically motivated torturer. Each one is cruel, and yet the latter, whom she credits with the majority of cruelty, may not have the intent to wound as his primary motivation at all. After all, as she writes, cruelty "is the deliberate infliction of pain upon weaker persons or groups by stronger ones in order to achieve some end...." And so a cruel tyrant may be motivated by the end he wishes to achieve. In this case, though, one could still argue the harm is deliberate. But it is not difficult to think of cases in which a stronger group harms a weaker group incidentally, in which the harm is merely epiphenomenal, unintentional, not exactly deliberate, but not accidental either-such as "collateral damage" in war.

Shklar does, however, move beyond her initial definition of cruelty as "the willful inflicting of pain on a weaker being." ⁶⁷

Indeed, later in the same chapter of

Ordinary

⁶⁷ In "The Liberalism of Fear," she uses a similar formulation, saying, "[Cruelty) is the deliberate infliction of physical pain, and secondarily emotional, pain upon a weaker person or group by stronger

Vices, Shklar shifts without much ado from physical cruelty to a what she calls "moral cruelty," of which she offers this significantly more sophisticated definition: moral cruelty is "deliberate and persistent humiliation, so that the victim can eventually trust

neither himself nor anyone" The shift in definitions is peculiar and it is else.⁶⁸ not clear

what work Shklar intends the addition of "moral" to the label "cruelty" to do. Three possibilities come to mind, all of which illustrate the complications surrounding definitions of cruelty.

Shklar may mean to make a distinction between the kinds of wound that can be inflicted, or between the different types of inflicting, regardless of the kind of wound. Or she may be establishing a relationship between the natures of the intent and of the wound, as if an intention to be psychologically cruel produces only psychological wounds. Does the contrast between the first definition of cruelty as "the willful inflicting of pain on a weaker being in order to cause anguish and fear" and the second definition of moral cruelty separate the physical dimension of cruelty, the violence against the body, from the realm of the moral? But moral cruelty may also manifest itself as physical violence, and certainly all physical violence has moral dimensions. Shklar herself goes on to say that "sooner or later, [moral cruelty] may involve physical hurt, but that is not inherent in it." What then does her distinction mean? Another way to understand Shklar's division of moral and physical cruelty is to focus on its implicit distinction between the type of victim targeted by each. Physical

cruelty is oriented

ones in order to achieve some end, tangible or intangible of the later." l l. Thus, cruelty moves out of Montaigne's realm of "unnecessary" violence.

⁶⁸ Shklar, *Ordinary Vices*, .37.

towards "weaker beings," and moral cruelty, presumably to moral equals. In this distinction, "equal" means equally moral, and "**weaker**" indicates moral impotence, rather than physical weakness. Although any investigation into cruelty should be sensitive to the difference between these two categories of victims, it is misleading and dangerous to call cruelty to moral agents "moral" cruelty and cruelty to non-moral agents (or morally impotent subjects) "physical" cruelty. Cruelty, no matter who its victim, has moral consequences-this moral dimension is, after all, what separates cruelty from non moral evils, misfortune, acts of nature or God. In Shklar's work, the focus on the perpetrator thus leads not only to a misleading focus on intention, but also, further, to a misguided categorization of types of cruelty based on the perpetrator's perception of the nature of his/her victim. There are, of course, different kinds of cruelty, and different kinds of harm, intentions and victims that figure into them. But until we employ a clearer articulation of cruelty as such, and at a remove from the perspective of the perpetrator, we will have nothing on which to steady further parsing of cruelties. The problem with accounts of cruelty such as Shklar's is not that neither the target nor intent is relevant, but rather that one can't answer the question of why cruelty is "a vice that disfigures human character, not a transgression of a divine or human rule," by looking to those things. Adopting Shklar's definitions will not help us realize what

she, Montaigne and others mean when they say that putting cruelty first is a "revaluation of values," in which our worst wrong is figured as a "wrong done entirely *to another creature*," which, never the less, "disfigures human character," and is thus, a challenge to the foundations

of moral and political systems. However, we may be thankful to her⁶⁸ for laying the foundation for a substantial inquiry.

Now our disappointment with previous definitions of cruelty may take on a new shape, leading us in new directions as we attempt to relieve it. Sorting out Shklar's possible meanings and the myriad of counter examples one could come up with is an enormous task, and one that is not necessary for this project. If we stand back for a moment and look at her definitions again, we will see that in addition to offering us new questions, her discussion of cruelty prompts the same questions as did Seneca's and Montaigne's. Namely, *why* does deliberate harm disfigure human character? How is the intent to wound inhuman (whether or not the victim is someone weaker and whether there is a substantial reason or merely "for the sight")? Shklar laments that those who think cruelty is the worst are doomed "to a life of skepticism, indecision, disgust, and often misanthropy."

If she is right, she is so because the facts of humanity and of our world reveal that cruelty is everywhere, and has been, and arises from the character of

human beings. We are left then to wonder in what sense cruelty can be said to "disfigure" our character? Rather, it would seem we are disfigured without it.⁶⁹ I suspect that this is not an oversight on her part; she is neither blind to nor sentimental about human nature and history. The confusion is not over whether or not we can be horrible and must be horrible in some cases: if one resisted the truth that we are and must be,

then there would be no reason to put cruelty first to begin with.
Rather, the trouble

⁶⁹ This is of course precisely the stance anti-humanists such as Bataille, De sade, Artaud and others take. However, even conceding that human existence is miserable and brutish, and that cruelty is part of it, does not bring us any closer to understanding its particularity (whether one figures that as the humanists in terms of its badness, or as the ant-humanists, in terms of its creative and destructive power).

comes from the unexamined use of the concept of "humanity" around which the paradoxes and puzzles, of which Shklar speaks and gets tangled in herself, circulate. Without unpacking this complicated notion of the humanity violated by acts of cruelty, even theorists as thoughtful and insightful as Montaigne and Shklar have no other language through which to convey cruelty and its badness.

Our disappointment with previous definitions cruelty should encourage us to revisit the concept of "humanity" to which nearly all other descriptions appeal with little success, and on which any moral system rests, however precariously.

Chapter Three

HIMMLER AND HIS CANARY: EXPLORING THE BENEVOLENCE OF "HUMANITY"

We no longer believe that *truth* remains truth when *the veils are withdrawn*.; *we have* lived *too much* to believe *this*. Today we consider it a matter of decency not to *tllish* to see everything *naked*, _{OT} to be present *at* everything, _{OT} to *understand and* to 'know' *ei•erything*.

Nietzsche, *The Gay Science*¹

¹ Nietzsche, 37.

The previous chapter established that the different characterizations of cruel acts and their perpetrators rely heavily on the concepts of humanity and inhumanity, but often fail to theorize them sufficiently. For examples, recall that Seneca describes cruel acts as those that "go beyond the bounds of custom and humanity," but he does not offer an analysis of either "custom" or "humanity." Montaigne characterizes even ordinary cruelties as "inhuman" and "inhuman excesses," and Shklar writes that cruel acts "disfigure humanity." Neither Montaigne nor Shklar offer an analysis of the concept of "humanity" to clarify what they mean. Cicero claims that any man who does violence to another man "takes all the 'human' out of a human." In legal and ordinary discourses, cruel acts are identified with "crimes against humanity," "inhumanity," and "violations of humanity." But even in legal contexts, where these conceptual distinctions have very concrete and practical consequences, the notions of "humanity" and "inhumanity" are strikingly shallow and ill-defined.

Therefore, it would seem a proper next step to devote some time to the normative dimensions of "humanity" and to the connection between our concept of "humanity" and the fundamental assumptions about being human and moral agency that sustain any moral practice. This will be necessary to lay the foundations for a deeper understanding of how cruelty violates the normative dimension of humanity, and will, eventually, lead us to a deeper understanding of the threat posed by such violations to the

very foundation of any moral system.

Our discussion, however, joins a multitude of discussions about "humanity," current and past, ordinary and elite, written and spoken, which makes for a dense and

confusing terrain. In these discussions, the concept of "humanity" is often fraught with unacknowledged assumptions and confusions, unsubstantiated assertions, unacknowledged histories and beliefs that may piggyback on its appearance. We cannot, therefore, begin a productive inquiry into the concept without first clearing the path. This chapter attempts to do that, and so postpones the promise to offer clarity on the normative content of "humanity." Two useful ideas will emerge through the confusion. One, the re-ordering of the virtues Shklar speaks of will show us that "humanity" refers to a source of normativity that is the pre-condition for moral participation and other normative demands. This new perspective will provide the vantage point from which we can explain how violations of "humanity" are the "worst" or most extreme category of violations. Two, the primary source of normativity arises from the human life-form of living of human beings. It involves what we should be, should have, if we are flourishing specimens of our species.

It is rare to hear either academic theorists or non-academics admit that they expect human beings, in general, to be good, to offer reasons for this expectation, or to admit that they do, in fact, conduct their lives as if it held true. The exceptions are those such as the genuinely naive or delusional and those whose religious convictions allow them to evaluate the soul or spirit of a person in isolation from his character and actions. Otherwise, such a conviction may be seen as truly ignorant, insulting to the victims of human injustices, or

dangerous. The ground we have to clear in this chapter, nonetheless, is overgrown with uses of "humanity" that support a belief in a natural benevolence in human beings, provide implicit expectations that we should have faith in

the goodness of human beings despite contrary evidence, offer explicit imperatives to have that expectation, and claim that deep down, we *do* in fact expect goodness. Amid these assumptions and claims, terms like "goodness," "benevolence," and "preciousness" remain murky and so ill-defined that they seem interchangeable.

Before we can ask anew about the normative source of "humanity" (about the relationship between being human and being a moral being), we must clear the way by acknowledging the ways in which this question is avoided, or bypassed and the answers, however unclear, already assumed. There is too much slippage between our uses of "humanity" to denote a virtue possessed by the individuals who are constitutionally inclined and have made the effort to exercise it, and our uses of "humanity" to denote a category of beings who, somehow, by virtue of their being human, are morally important by definition. Despite the ambiguities, appearances of "humanity" presuppose, as they should, the moral importance of being human, even if it is unclear what kind of importance being human has. **We will** find that most arguments assume an organic relationship between being moral and being a human being (even ones that don't claim to.²) We will see that, on most occasions when "humanity" appears, the question about the relationship between being moral and being human is not given sufficient consideration. Often, therefore,

appearances of the term "humanity" either do more

² As Cora Diamond points out in "The Importance of Being Human," many well-established pictures of moral agency do not find moral significance in being human, in itself, at all. They argue, rather, that the possession of morally relevant *traits* is the criterion for moral agency, and it just so happens that most humans have those traits or can cultivate those traits. Even for those who assume the moral importance of being human, "humanity" may be spoken of in many different ways: as a trait independent of our being human, like a virtue, a characteristic that must be worked on, achieved and acted on before it can be ascribed, such as courage or justice. It may also be spoken of as a trait concurrent with moral participation, irrespectively of the bearer's virtues or vices. In this second case, its ascription to a person in virtue of his being human often becomes apparent only when he violates it.

than they are intended to do, committing theorists to forms of naturalism and optimism, which they may reject, or far less than intended, falling short of the theorist's explicit aims.³

If we are not clear and honest about our beliefs and expectations of human beings, we will not be able to see how those beliefs and expectations are upset by acts of cruelty, nor will we be prepared to subject those expectations to critical inquiry. Acts of cruelty are shocking and disturbing. They often evoke reactions over and above any sympathy, empathy or indignation the witness may feel on behalf of the victim. They evoke the sense that something belonging to us all has also been violated. We must make space to understand clearly what sensibility they shock, and what sediments of belief they disturb.

The theorists with whom we are concerned consistently use "humanity" as a normative term. As such, "humanity" denotes moral agents who are unequivocally deserving of full moral concern, and who thus meet the criteria for being morally attentive to others and who are answerable for their shortcomings. Oddly, these theorists rarely ask what about human beings enables other human beings to demand anything normative at all of them. What light could answers to this question shed on our basic assumptions of moral agency, and thus, on human beings, no matter what moral theory they espouse or what moral climate defines their particular lives?

³ These inquiries will prepare the way for chapter five, in which I will

recover the ethical naturalism critical to the description of cruelty offered in chapter one. There, I will outline in more detail the human form of living at issue (relying primarily on Foot and Thompson) and claim that this sort of naturalistic perspective *is* necessary for an understanding of the normativity of humanity and thus what cruel acts violate in it.

"Humanity," is often spoken of as an achieved state *of* virtue, contrasted

with a vicious nature in which we would find ourselves had we not acquired *humanitas* through practice and forbearance. It is nearly always contrasted with baseness, savagery, vice, meanness and the like, which may be our natural states and qualities, but which we may overcome by moral education and act upon thanks to our free-will. When, however, "humanity" is described as a virtue, it appears distinctly different from other virtues.

Goodness or the potential for goodness frequently appears as *constitutionally* human. Most of the theorists **we will** examine assume or imply that "humanity," as a virtue, is rooted in the part of our nature that is good.⁴ Their use of the term assumes a happy coincidence, implicitly or explicitly, between being the sort of creatures we happen to be, being the sort that tend towards goodness, and being the sorts of creatures of whom it is appropriate to make normative demands and evaluations based on that goodness. In its constitutionality, human goodness goes deeper than most offenses human beings commit (except cruelty, of course). It is ascribed to an individual of our species on the basis of his being a human being, irrespective of his actually acting in accordance with a set of prescriptions and prohibitions one might, in other contexts, actually attribute to the virtue "humanity." Whatever "good" means here, it does not necessarily imply virtue, right action, or adherence to law.

For example, one could imagine a foolish, drunken petty thief, thoroughly

lacking in important virtues, such as wisdom, benevolence, temperance, and courage, to

⁴What I am calling "Goodness" for uniformity and simplicity is often also called "preciousness," or "sacredness".

whom we could rightly still ascribe "humanity." It marks him, in this case, as the sort

of creature one could blame for being so ill-behaved and uncultured. In this instance it does not refer to a state contrary to our nature, a characteristic acquired by mastering our nature, but a characteristic rooted in some aspect of the human life-form, granted on the basis of his belonging to that life-form, even if this individual human happens to be full of vice. Thus, it appears as a pre-requisite for participation in the moral sphere. That is, being part of humanity (and thus in possession of natural benevolence or goodness) appears to be a condition for having moral agency, not a byproduct of being a moral agent who acts well and thereby comes to acquire humanity.

I do not mean to suggest that these theorists are blindly optimistic, naively supposing that human beings behave well and benevolently most of the time. They are not ignorant of the cruelty and wickedness that pervade our private and public histories. Since the goodness in question coexists with our ordinary wrong-doings, it must not be an ordinary goodness (some theorists attribute it regardless of even extra-ordinary wrong

doing).⁵ It must be an apriori goodness. It needs to be explored in depth, if we are to

understand how it is supposed to provide the backdrop to any moral theory and practice and, at the same time, withstand the moral trespasses that equally characterize human life. More often than not, an in- depth analysis of it reveals it to be strikingly shallow. I suggest

that the confusion arises largely from the insufficiently theorized relationship

⁵ By "potential for goodness," I mean possession of a natural benevolence like Hume speaks of, or the possession of certain traits that are traditionally thought to direct us to do good (e.g. reason, empathy, etc.). The possession of these traits may, indeed, mean that one passes the criteria for being a moral agent, but they in no way justify our expectation that the moral agent who possess them will not commit cruelties or violate humanity.

between "humanity" and "moral agency," between being human and being morally

i. important.⁶

The Expectation of Natural Goodness: A Prerequisite for Concept of Justice

We will begin with some striking moments from Simone Weil's writings in which she describes an apriori expectation of goodness as the source of human justice. Weil characterizes our expectation of benevolence from one another as a "profound and childlike and unchanging expectation of good in the heart..." In the following passage from "Human Personality," she offers one of the most poignant and bold descriptions of this expectation,

At the bottom of the heart of every human being, from earliest infancy until the tomb, there is something that goes on indomitably expecting, in the teeth of all experiences of crimes committed, suffered, and witnessed, that good and not evil will be done to him. It is this above all else that is sacred in every human being. The good is the only source of the sacred. There is nothing sacred except the good and what pertains to it.⁷

Importantly for her, faith that our fellows will do us good and not evil to us is also the condition for our sense of justice and injustice⁸. We may balk at Weil's characterization of human sacredness and at her description of the conditions for our sense of justice and

⁶ When the ground-clearing work of this chapter has been completed, I will suggest that the moral importance of being human, as captured by the concept "humanity," does not lie just in a creature's possession of certain traits that are morally useful or necessary, nor in his or her natural benevolence, but rather, in the very aspects and operations of the human being's form of living that are necessary for human flourishing (as individuals and as a species!).

⁷ Weil, 51.

⁸ For Weil, of course, this goodness is secured by her spiritual convictions and faiths.

injustice for two reasons: first, we may reject naive, irrational hope as an inaccurate description of what is at the bottom of our hearts.

Second, we may distrust the claim that such irrational naivete is the source of our sacredness as human beings and the origin of our moral sense. If, however, we cry for help when wounded, leave our houses everyday, order food in restaurants, rely on the police in an emergency, sleep in the presence of others with relative ease, or go about our business distracted by other aspects of our lives (and thus, unmolested by the worry that our house guest will abduct us or the waiter knife us), then we must concede that Weil's description of us is, at least superficially, accurate. The daily business of living involves an infinite number of situations in which we would never engage or get through, were we not guided by an implicit attitude that good and not bad will be done to us. Weil asks, "What is it, exactly, that prevents me

from putting that man's eyes out if I am allowed to do so and if it takes my fancy?"⁹ Her answer is that "his soul would be lacerated by the thought that harm was being done to him." This consideration, she proposes, restrains us, when we are restrained, from wantonly harming one another and being harmed. If this consideration contains the prohibitive power that Weil attributes to it, it is because we do, indeed, believe that something would be lacerated- a faith in general human goodness-on the occasions when it fails. As Annette Baier cautions us, "Most of us are tame enough to take bread

at someone's hand. And we do thereby put ourselves in danger."¹⁰
Her caution is potent

⁹ Weil, 51.

¹⁰ Baier, 131.

because of the ease with which we may forget this danger, and necessity of forgetting it if we are to get on with our lives.

There are also those who have been taught not to expect that good and not harm will be done to them; who recoil at the raw vulnerability Weil expresses-even though it is precisely to them and with them that Weil often seems to speak. They therefore dismiss this "profound and childlike and unchanging expectation of good in the heart." It can appear awfully dangerous to place the source of justice and injustice in something

so vulnerable and mysterious. This second group of people, rather than disproving **Weil**,

however, seems to reinforce her claim. The critical issue is not whether each one of us is as naive, hopeful or faithful as **Weil** says; it is not whether we feel or acknowledge that we feel the "profound and childlike and unchanging expectation of good in the heart." She says,

In those who have suffered too many blows, in slaves for example, that place in the heart from which the infliction of evil evokes a cry of surprise may seem to be dead. But it is never quite dead; it is simply unable to cry out any more.¹¹

For these people then, the injury is two-fold: first, the initial harm, and second, the corruption of the faith that no one would harm them, which is the source of their sacredness.

Weil's claim is not that others will not do evil, and the innocence she speaks of is not ignorance of the potential suffering we may cause one another. Her claim concerns how we respond to our awareness of the danger others pose to us. The expectation she speaks of is more

akin to the kind of implicit (secular) trust Baier describes as "the

¹¹Weil, 52.

acceptance of vulnerability to harm that others could inflict, but which we judge that

they will not in fact inflict."¹² One assumes that even those for whom faith in humanity and trust in the world has been systematically shattered no less understand and feel the further injustices they suffer. As long as one retains the sense that one can suffer injustice, then, according to Weil, one partakes of the "profound ... unchanging expectation of good in the heart..." that characterizes the "sacredness" of human beings.

Notice that in Weil we see that there is a state (of being, in her case) inextricably connected to being human that is a precondition to other moral states.¹³ This has already appeared, in a different form and with a different emphasis in Hume's works, as well as in others.¹⁴ The expectation that good and not harm will be done is foundational according to Weil, prior to and more important than any other aspect of human being. One *must* expect it in order to have a proper sense of justice and injustice, if not, one loses the roots of all other moral relations such as, duties, rights, and obligations, which Weil calls "words of the middle region." "Words of the middle region" make sense only in relation to words that "refer to an absolute perfection which we cannot conceive" like God, Justice and Love. Our understanding of these more primary terms is rooted in our sacredness, which is what injustices violate. Weil strains to show us that there is

¹² Baier, 152.

¹³ For Weil, this condition is the state in which we question why we suffer.

¹⁴ Though Weil does establish this link between being human and being moral, she does not do so on the basis of any individual traits or even on aspects of our nature. She has an infamously complicated idea of what is important about being human that is informed by her deep spirituality. She says, "There is something sacred in every man, but it is not his person. Nor yet is it the human personality. It is this man; no more and no less." SO. So, though she shares with Hume the notion that being human is morally important, she does so on radically different terms than he.

something more than moral codes and rights or duties that substantiates our moral relations, something deeper that can be violated by injustices. She says:

It is impossible to define what is meant by respect for human personality. It is not just that it cannot be found in words. That can be said of many perfectly clear ideas. But this one cannot be conceived either; it cannot be defined nor isolated by the silent operation of the mind.¹⁵

Thus, injustices may violate particular laws, codes and rights, but more importantly, they also violate what is sacred in us, the expectation that harm will not be done to us, which is the condition for participation in realm of justice and injustice at all. This is one of the most helpful characterizations of humanity because of its depth, but Weil does not answer why we have reason to expect goodness: just that we do. I agree with Weil that we expect *something* from our fellow human beings, merely because they are human beings, and that there must be a primary source of normativity in our being human that is the condition for the attribution of moral agency. In this chapter, however, I will try to establish that we have little reason to expect goodness and that goodness is insufficient as the label for the primary source of our normativity.

"Humanity" as the Natural Goodness Possessed by Human Beings

In Hume's works, we see an expectation of human benevolence similar to Weil's, though with a different cast. He offers candid optimism about our nature. For example, consider the following

passages:

How, indeed, can we suppose it possible in any one, who wears a human heart, that if there be subjected to his censure, one character or system of conduct,

¹⁵ Weil, 51.

which is beneficial, and another, which is pernicious, to his species or community, he will not so much as give a cool preference to the former, or ascribe to it the smallest merit or regard? Let us suppose such a person ever so selfish; let private interest have engrossed ever so much his attention; yet in instances, where that is not concerned, he must unavoidably feel some propensity to the good of mankind, and make it an object of choice, if every thing else be equal. Would any man, who is walking along, tread as willingly on another's gouty toes, whom he has no quarrel with, as on the hard flint and pavement?¹⁶

The answer to this last question is undoubtedly "yes." Our collective and private histories abound with instances of careless and wanton acts that cause others to suffer. We are, Seneca says, "Bad men living among bad men."¹⁷ Hume, however, surely meant his question rhetorically. More boldly, Hume says:

Absolute, unprovoked, disinterested malice has never, perhaps, place in any human breast; or if it had, must there pervert all the sentiments of morals, as well as the feelings of humanity.¹⁸

Hume is reluctant to grant wanton viciousness to human beings but, surely conscious of the capabilities of his fellow creatures, he allows for the possibility of malice on *the* condition that where *it* is, "all the sentiments" of morality and humanity are corrupted. Malice appears to be figured here, as it often is, as the privation of humanity. This characterization of inhumanity is almost a default one, employed by many contemporary theorists in one fashion or another.

This sort of privative formulation is fruitful only if we understand what inhumanity is the privation of: if humanity, indeed, refers to natural goodness, then we can understand the negativity of inhumanity-it is the absence of goodness. We have

¹⁶ Hume, 113.

¹⁷ Seneca, 103.

¹⁸ Hume, 114.

already seen, however, that there is confusion about just what kind of goodness we

are or have, which makes it very difficult to conceptualize the privation of it. What sort of goodness is it that goes beyond the acquisition of virtues and the adherence to moral or legal codes, and that may be attributed even in their absence? Once we question benevolence as that which confers moral importance on human beings, we will no longer know what inhumanity is the privation of, and thus, the privative account of inhumanity will cease to supply the conceptual substance it did.

Hume, however, offers a richer characterization of inhumanity than appears at first sight. Inhumanity is, indeed, characterized as the absence of humanity and human sentiments, but he continues, shaping this absence as the int1ersion of virtue. He says:

A creature, absolutely malicious and spiteful, were there any such in nature, must be worse than indifferent to the images of vice and virtue. All his sentiments must be inverted, and directly opposite to those, which prevail in the human species.¹⁹

This description gestures towards a more useful understanding of the concept of "inhumanity," but needs further elaboration. Here, inhumanity is not just the privation of humanity, but the reversal of it. This resonates, albeit quietly at this stage, with the formulation of cruelty I offered in chapter one as an act that turns (aspects of) a creature's life-form against it destructively.

Throughout his writings, Hume maintains the rather unsophisticated assumption that the most disturbing picture of

inhumanity is one of absolute malice.²⁰

¹⁹ Hume, 114.

²⁰ It is strikingly difficult in ordinary conversation to counter this conviction in asserts someone who *has* it.

In so doing, He represents the prevalent position taken in lay discourses and casual conversations about cruelty and inhumanity, and so one that we should account for, if only briefly. It allows those who share it to maintain the idea that being well-intentioned, having a bit of goodness in the heart, is the antidote to human injustice and evil.²¹ Hume reassures us, with statements such as the following, that there are no, or very few, totally perverted specimens of our species:

...it cannot be disputed, that there is some benevolence, however small, infused into our bosom; some spark of friendship for human kind; some particle of the dove, kneaded into our frame, along with the elements of the wolf and serpent. Let these generous sentiments be supposed ever so weak; let them be insufficient to move even a hand or finger of our body; they must still direct the determinations of our mind, and where every thing else is equal, produce a cool preference of what is useful and serviceable to mankind, above what is pernicious and dangerous.²²

Hume's optimism concerning human motives is grounded in his belief that the "sentiment of humanity," contrary to malice, marks human beings as such: it is in our nature. That is, benevolence and fellow-feeling are in our nature and, as the following passage shows, our very idea of morality, and of human beings as moral agents, is grounded in this fellow-feeling:

The notion of morals, implies some sentiment common to all mankind, which recommends the same object to general approbation, and makes every man, or most men, agree in the same opinion or decision concerning it. It also implies some sentiment, so universal and comprehensive as to extend to all mankind, and render the actions and conduct, even of the persons the most remote, an object of applause or censure, according as they agree or disagree with that rule of

²¹This *is* deeply appealing to some, but, as we have seen, inaccurate.

²²Hume, 147.

right which is established. These two requisite circumstances belong alone to the sentiment of humanity here insisted on.²³

One may read in this passage Hume's attempt to salvage his highly subjective moral theory from being fatally subjective and without hope of universal standards of judgment. He tries to supply a foundation for moral sentiments that raises them above purely subjective judgments. Even though they arise subjectively, they are common to all men, and, in their very nature, call for men to recognize this commonality.

Whether one thinks Hume is successful here does not matter for this project. There is more going on in the passage above than the attempt to universalize moral judgments. Of particular interest is the idea that also appeared in Weil that the possibility of our moral reality depends on our natural goodness. According to Hume, the very "notion of morals" depends on this sentiment shared by men, which is rooted essentially in our nature, in the sorts of creatures we are. Our recognition of it binds us in a relation of obligation. This is crucial: Hume explicitly defines humanity, and the sense of humanity, and thus, the propensity towards benevolence, as something all human beings share (by definition), and also as the condition for the possibility of any moral system. The possibility of the moral sphere presupposes a natural benevolence in man-even if it doesn't actually "move even a hand or finger of our body." For now, we will put aside the temptation to ask what kind of goodness can be attributed to a creature in whom that goodness does not move even a finger.

23 *Ibid.*

For Hume, this sense of humanity, rather than being conditioned by any particular cultural or ethical code or being attributed to a person on the basis of his virtuous behavior, is itself the condition of even conceiving of particular moral systems, of identifying virtue and punishing vice. One must already feel fellowship, and be well disposed towards those in the fellowship, to engage in any moral practice. "Humanity" appears to refer to creatures who possess such a disposition naturally. "Humanity" essentially involves the part of us that must, all things being equal, direct us to what is good over what is bad. We are defined by this good-directed part. More importantly, this natural benevolence is a pre-requisite for any additional normative concepts. Hume thus reflects the prevailing intuition that our being moral agents and our being human are essentially related and that "humanity" is a term that marks out this relationship due to our shared natural benevolence. We will note, as we did with Weil, that we agree that *something* organic to our nature gives us reason to believe we are morally relevant, and is thus, a condition of our moral agency, even if we doubt that the something is goodness or benevolence.

As we have seen, a close look at Weil, Hume and many others, reveals the common intuition that there is some normative source other than, and prior to, any particular moral or legal code. As a normative source, it can be violated by human action, just as legal, cultural and moral codes can. Thus, to characterize as "immoral" or

"vicious" acts that violate such primary sources of normativity is

insufficient, since these terms fail to distinguish violations of legal and moral codes from violations a source of normativity prior to them. At least sometimes, therefore, characterizations of the people

who violate such primary sources of normativity as "immoral" and "vicious" are also insufficient. This is the domain in which terms like "cruelty" and "inhumanity" get a purchase. For instance, what Hume calls pure malice is a state incompatible with the goodness of being human and the normative obligations of humanity; it casts one outside the moral realm altogether, making one "inhuman," and one's actions violations of "humanity."

Hume, however, does not follow his conclusion this far, nor does he focus here on the implications of his observation that there are sources of normativity prior to any particular moral or legal system. On the contrary, after securing the purity of "sentiments of humanity," and providing the groundwork for us to claim that unprovoked malice discharges one from the moral and human realm, he reassures us that there is a bit of the dove in even the most morally vile of us. That is, he seems to conclude that there is no human who, in fact, violates these primary sources of normativity. For Hume, because inhumanity is defined by pure malice and pure malice is nearly non-existent in human beings, "humanity" is an expansive category, including even those in whom the bit of the dove kneaded into their frame is imperceptibly small.

Convictions like Hume's may initially jar the cynicism of some contemporary minds.²⁴ Who could, with the events of the past century fresh in our memories, claim first, that we all, even Heydrich and

Menegle, have a bit of the dove "kneaded into their

²⁴ They also appear to contrast sharply with the frankness of thinkers such as Seneca, who says, Is it surprising that the wicked should do wicked deeds, or unprecedented that your enemy should harm or your friend annoy you...I never reckoned..., • according to Fabious, is the worst excuse for a general; I myself reckon it the worst excuse for a human being altogether. Reckon on everything, expect everything'. Even in good characters there is something rather rough. 69

frame," and second that in this their, and our, *humanity* is rooted? And yet, as we saw

in Weil, if we are to get on in the world, and if we have a robust sense of justice and injustice, then it is easy to see how we might find ourselves agreeing with Hume and Weil, despite ourselves and our sense of human history.²⁵

It is reported that Heydrich's passion for music was sublime, and Hitler was bafflingly tender with his dogs. As evidence of the love and humanity that can be seen in even the most vile moral monsters, Philip Hallie retells a story of Camus', of Himmler, who after a typical day of extraordinary murder, steps with painstaking care into the back door of his home so as not to wake his beloved canary.²⁶ Abusive parents may be deeply compassionate and loving at times to their children.²⁷ Even more baffling are perpetrators of ordinary and benevolent cruelty, who may, as Cavell notes, "be affectionate with the usual children and animals."²⁸

We may find stories like these heartening or revolting. In conversations about cruelty, humanity and inhumanity, they abound, and investigation into them leads to complicated entanglements, that, in the end, prove useful only insofar as they reveal our

²⁵ Popular culture literature, magazines, and movies reveal our craving for representations of human good where it is least likely to be found.

²⁶ Hallie, 129. The title of this chapter refers to this story, as retold by Hallie: "Himmler used to come in the back door of his house after work, and he would come

in quietly. He'd come in very quietly and not make a lot of noise. Why? Because he didn't want to wake up his canary. He was the murderer of millions, but he loved his canary." I have tried unsuccessfully to find the reference for this story. What I have found is a similar account in biography of Hoess.

²⁷ As I have established in chapter one, there are all sorts of cruelties that may be committed without malice. For now, for clarity and simplicity, I am relying only on those cases in which the mal intent of the doer is assumed.

²⁸ Cavell, 376.

popular confusion. Evidence of a moral monster's tenderness in one arena may be offered to establish his humanity. Or, it may be offered as evidence of his capacity for moral sensibilities, and thus, seen in light of his evil, of his moral reprehensibility and our duty to hold him responsible. Still again, it may be offered as evidence that he is beyond the pale, outside the bounds of humanity, and thus, no amount of punishment and no practices could successfully hold him responsible. This confusion appears as well in elite discourse about moral monsters and moral responsibility, to which we will turn shortly.

There is a misstep in formulations of humanity and moral agency such as Hume's, which I will call the "standard picture." The deficiency becomes clear when we see that the standard picture cannot accommodate the problems posed by acts and creatures that violate it-which should be one of its normative functions. Despite the popularity of characterizations like Hume's, they are vulnerable being undermined by the existence of moral monsters who threaten the "naturalness" and "goodness" of the category of the human, nullifying on the one hand its essential relation to human beings and on the other, its normativity. **We will** tackle these issues shortly. First, since Hume is by no means alone or in bad company in his apparent optimism, we will sample other examples of the "standard picture." This emerges as an *expectation* of goodness, and in our treatment of wrong-doers, as the *attribution* of goodness.

We Must Expect Natural Goodness

I will quote passages from Seneca, Gaita, Shklar and Levi's writings for examples of the standard picture. This broad range of perspectives will enable us to see what can be salvaged in the standard picture of humanity, what is at stake in it, as well as its deficiencies. There is something useful to be extracted from each that will enrich our picture of what gets violated when humans are cruel. Also, we will see how pervasive the reference to natural human goodness is, and that, despite its constant refrain, it is rarely theorized.

Consider the following from Seneca's works:

The power to hurt is foul and detestable and utterly foreign to man, thanks to whom even the wild grow tame. Behold the elephant bowing its neck to the yoke, the bull with its back safely trodden by prancing acrobats, child and woman alike, the serpent sliding, harmlessly slithering between the cups and over our laps, the placid visage of bear or lion within the home as people stroke them, the fierce animal fawning on its master-you will feel shame at having swapped
 nature's w^hl't ani·ma^{1st}.²⁹

Unlike the descriptive passages quoted from Hume, this is clearly prohibitive; it appears in the context of Seneca's admonishments against anger. But notice that here, as in Hume, the normative prohibition against hurting is rooted in our nature. When we are foul, we have lost our humanity because foul acts are contrary to our nature as dictated by the life-form of human beings, not just contrary to our laws, codes, etc.

On the basis of this quotation alone, one may be tempted to

respond that Seneca is perhaps too optimistic or naive, implying that human nature is not just good. Seneca's prohibitions and assertions, however, arise precisely from his awareness of our tainted

²⁹ Seneca, 69.

nature. He goes on to say that "Human nature spawns a mind that

is most treacherous..." And then, a bit more emphatically:

All of us are inconsiderate and thoughtless, all of us unreliable, querulous, ambitious. But why use gentler language to conceal a universal sore? All of us are bad. Whatever he blames in another, each will find in his own heart. Why point out the pallor of one man and the gauntness of another? We are faced with an epidemic! So we should be more indulgent towards one another. We are bad men living among bad men; and only one thing can calm us—we must go easy on each other.³⁰

Nearly all of the theorists we will look at display this tension between accepting moral monsters on one hand, and on the other, acknowledging human goodness as the basis of our moral practices.³¹

Stoics, like most others, divide the human soul or mind such that we may judge each part differently without being inconsistent. Were this a proper exegesis of Seneca on anger, we would have to examine his views of the soul, human nature and the nature of anger. We might come away reassured that human beings are complicated and Seneca is consistent. We will almost certainly also come away still troubled because merely dividing the soul of a man into differently valued parts does not relieve the need we have to think of him holistically, as a creature who may or may not qualify as one who is included in the category of those who possess "humanity." One cannot punish

³⁰ *Ibid*, 103.

³¹ One may object that the human soul or psyche has nearly always been

thought to be constituted by different parts, some good, some bad, in varying proportions and with varying explanations. Thus, the objection would continue, the fact that part of our nature is good, or contrary to malice and also that "human nature spawns a mind that is most treacherous" does not pose the sort of problem I am making it out to. The objection is that in failing to attend to the different ways each theorist understands the divisions of human nature/soul, I have created a conflict where there was none. That we have good and bad parts is no great dilemma for most of us.

part of a man for being cruel, nor hold only an element of his soul morally responsible. Notice that Seneca does not say acting viciously pits the good part of our nature against the bad: he contrasts acting viciously with "the nature of man" as a whole. No matter how many parts one divides the human soul or psyche into, "humanity" is a holistic concept, referring to the unity of those parts, the life-form of human being, in relation to which we make moral and legal judgments. The call to acknowledge man's natural goodness is based in the assumption that the goodness, indeed, belongs to individuals of the human life-form.

We Must See "humanity" even in Moral Monsters

Many attempts, some brave, some beautiful, and some merely sentimental, have been made in this past century to counter our vision of human cruelty with pictures of mercy, love, and freedom.³² Theorists who deal explicitly with evil and cruelty often cite love and kindness as the antidotes. We can see their reliance on the natural benevolence of human beings in how they direct us to respond to perpetrators of cruelty.

For Gaita, as for Seneca and others,³³ responding to inhumanity out of love

and/or mercy is the antidote to inhumanity and cruelty, and doing so fortifies the

³² In ancient works like those of Seneca, Cicero and Plutarch, mercy *is* most often the antidote to cruelty. In Montaigne, it *is* compassion, empathy and joy. For others, such as Gaita and **Weil**, it is love. In more contemporary political works, like

those of Shklar and Hallie, freedom often appears as the antidote.

³³ For an example, take Phillip Hallie. Hallie has spent a lifetime studying cruelty professionally and struggling with its place in his own life. "One day," he writes, "I was sitting in my office reading about these horrors and I couldn't bear it anymore....The world was simply unbearable." Consequently he began to seek refuge in stories and instances of profound goodness and love-especially when against the backdrop of profound evil. He came upon the history of the villagers of Le Chambon's resistance to Hitler's cruelty and he describes its effects on him:

humanity of the responder. Responses like theirs aim at the moral high-ground, insuring that in our judgment of another to be inhuman we are not also guilty of denying humanity to someone; that we do not become monsters in our efforts to fight monsters. Gaita defines this as love, as "the ability to see the humanity in those in whom it has become invisible." ³⁴ He urges us to include even the most inhuman characters in our "common humanity," and thus, to give to them what they have failed to acknowledge in their victims: "the affirmation that each human being is unconditionally precious." ³⁵

In *A Common Humanity*, he writes:

We insist that criminals be brought to justice for many reasons...because we owe justice to the criminals, and our insistence that it is owed to them no matter what they have done is the insistence that they remain members of our community no matter what they have done. That partly defines the kind of community we are and what it means to be a member of it. Its significance becomes apparent in extreme cases in which criminals are so evil, their deeds and character so foul, that it is natural to want to shoot them in the street like mad dogs.... The insistence that even the most foul criminals are owed unconditional respect, that even they belong to the constituency in which they may intelligibly press claims for fair treatment and due process, is the acknowledgement of our human fellowship with them. ³⁶

I was reading about the little village of Le Chambon, the way it saved lives without killing or hurting or hating anybody. I realized that this might be my salvation, that by becoming interested in it-assimilating it, imitating it, mimicking it-I might be saved. I learned that [this] kind of reaction to cruelty by love, by hospitality, by kindness-this has its own power. It has its own power.

Hallie has come to believe that "we are in a condition of cruelty," which he likens to a hurricane-everywhere, unavoidable and destructive. Love, he says, is like "the blue, peace: beauty and space" in the eye of the hurricane. He urges us to "push back and expand the blue, the eye" (128) and see with love, thereby acknowledging the humanity even in those who seem to be its antithesis.

³⁴ Gaita, 20.

³⁵ *Ibid*, 33.

³⁶ *Ibid*, 10.

In the above quotation, Gaita focuses less on the nature of the criminal, whether or not there is a bit of the dove kneaded into his frame, and more on the imperative to include him in the category of "humanity" regardless. Recall, however, that the grounds for including "even the worst criminals" in our fold are that each human being is, in fact, precious-and thus deserving of moral concern. The sticking point is that if we ask "why?" there is little substantial answer.

The need to find goodness in human nature and behavior is admirable and, perhaps, even redemptive. The demand to grant a person humanity, despite not finding goodness in them and their actions, is equally hopeful. According to Gaita, holding moral monsters to human standards no matter how inhuman their crime or character, preserves the boundaries of humanity, the integrity of our community and our justice system and thus, of ourselves; since radical evil attacks this very integrity, Gaita's response seems an appropriate remedy.

Treating moral monsters with mercy or justice in the name of honoring the obscured or sickened humanity in them can also be an attempt to stave off the sort of misanthropy that Shklar warns arises from taking cruelty seriously. Montaigne, she observes, found goodness in the innocent victims of cruelty and in the virtues and joy of non-human lives. "Surely," she says,

loathing one's kind and oneself is hardly the best cure for cruelty...The temptation is therefore great not only to identify wholly with the victims, but to...attribute improbable virtues to them...It is, of

course, a perfect way to shame the cruel, but more significantly, it is the only way to avoid the nausea of misanthropy. The victims must redeem mankind.³⁷

³⁷ Shklar, *Ordinary Vices*, 14-15.

Likewise, one may shore up one's own humanity and attempt to avoid loathing one's kind and oneself by attributing humanity to those who demonstrate its opposite. Once we have found the particle of the dove, or demonstrations of love and kindness from vicious characters, the relief is palpable and necessary, because one simply can't live among monsters.

As is apparent, one of the consequences of operating with a murky characterization of humanity in discourses on cruelty and evil is the conflation and confusion of the normative and the descriptive. We may concede that moral monsters do not, in fact, possess "humanity," but demand that we treat them with full moral concern, as part of the community, *as if* they possessed "humanity." We may fantasize that in doing so we acknowledge the gravity of their characters or crimes, while preserving our own humanity and integrity. But the demand to treat moral monsters as we treat those who do demonstrate "humanity" must be based in something special about them; for we don't demand that trees, chipmunks, or land-fills be treated *as if* they had "humanity," and were full participants in the moral community. That is, in treating moral monsters *as if* they were participants in our human community, *as if* they possessed humanity, it appears that we are in *fact*, differentiating them from non-moral beings and thus, attributing humanity to them. In which case, the label "inhuman" seems empty. Additionally, it is hard to see the significance of our

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treatment of them as part of "humanity" if they do not respond to
that treatment as full moral participants are expected to do.

Gaita may insist that we see the humanity of even the worst criminals in order to save our own humanity, as others do, but if our humanity is at stake in this judgment, it is so because those moral monsters *are, in fact, also precious* because of the kinds of creatures they are. That is, they are like "us" in some morally important way. In the case of moral monsters, it does not appear that they are like the rest of humanity in their natural goodness, their aspirations towards virtue, or their good behavior. They do, however, share with the rest of humanity their human being. If humanity is ascribed to moral monsters solely on the basis of their being human beings, then we must ask again

a) what about human beings is morally important and b) in what sense is "humanity" still, after the inclusion of moral monsters into the term, a normative category, grounding our moral agency and participation. The "standard picture," though presupposing the answers to these questions, does not, in fact, supply answers.

Natural Benevolence Fails to Describe the Normative Core of "Humanity"

Acknowledging the humanity (e.g., natural benevolence, goodness or preciousness, and thus moral participation) of those who act inhumanely may turn out to be less redemptive and protective than it promises to be. The question that naturally arises so long as the discussion is framed by the attitudes represented by Hume, Weil and Gaita, is what are we to do with those who are indeed moral

monsters? Even more problematically, what are we to make of acts of inhumanity and cruelty that are driven by tragically misguided, but benevolent intentions? What are we to make of agents whose acts, like cruelty, challenge traditional ways of describing and responding to violations?

As we have seen in chapter one, such acts may challenge traditional terms and methods for two reasons: first, because they are extreme and thus seem to surpass other acts in badness, and second, because they are ordinary, and yet seem to violate something which eludes available terms for wrong-doing.³⁸

Consideration of the first threatens to undermine the organic relation between being human and being a moral agent. The second upends the conviction that natural benevolence is sufficient for being morally relevant.

We saw in chapter one that acts of inhumanity may not be driven by malice at all and they may not be committed by those we identify as "moral monsters." What should we make of those perpetrators of what I have called "benevolent" cruelty who are not driven at all by malice, but by misguided benevolence, by fellow-feeling-though their acts may be vile and result in enormous suffering. What is at stake in welcoming them into the fold of "humanity," into full moral participation, on the basis of their uncharacteristic, or inauthentic goodness or their incompetent benevolence? In fact, occasional and occasionally genuine goodness of the perpetrator is built into certain forms of abuse and cruelty. Since cruelty and other violations of humanity do not always involve malice or ill-will, we should be wary of any characterization of humanity in which

³⁸ Annette Baier struggles to illustrate the violation at issue in the following example of betrayal: "When I think of the trust I show...in the plumber who comes from the municipal drainage authority when I report that my drains are clogged, it is not plausibly seen as trust that he will fulfill his contractual obligations to me or to his employer. When I trust him to do whatever is

necessary and safe to clear my drains, I take his expertise and lack of ill will for granted. Should he plant explosives to satisfy some unsuspected private or social grudge against me, what I might try to sue him for...would not be damages for breach of contract....His wrong...would not be breach of contract..." (117). When this form of trust is betrayed, what is the wrong? In this case and in cases of ordinary cruelty, What is the source of normativity that underwrites the sense that something has been violated? In Baier's case, she does label what has been violated-a certain kind of implicit trust-but here, as in other cases of ordinary cruelty, we may wonder what underwrites this trust.

benevolence is central. Acts of benevolent cruelty violate humanity, but are not bereft of the benevolence that is the supposed core of humanity. If we are to make sense of the specific badness of inhumanity then, a characterization of it as malice, or even the inversion of benevolence, won't do. Whatever "humanity" is, it can be shattered by actions that are intended to be benevolent as well as by acts driven by pure malice or sadism.

The standard picture produces all sorts of conceptual and practical puzzles without offering any relief. I suggest that there is a great risk in surrendering to faith that, as Hallie says, we can and "have to make room for love, even the most vicious and destructive of us-perhaps especially the most vicious and destructive of us." I argue that within the standard picture of humanity, we cannot salvage our own humanity nor that of the worst criminals by including them in it. I agree with Gaita and Seneca that we must be very careful in dealing with and categorizing moral monsters and their crimes. I **will** suggest, however, that including those who violate "humanity" in the standard, untheorized, category of humanity, forfeits the very normativity of the category which that inclusiveness seeks to protect.

To add to the confusion surrounding the normative dimensions of humanity and the category of "inhumanity," there are those who, unlike Gaita and Seneca, tend to view "humanity" more rigidly. They argue that there are actions and ways of being that invalidate one's status as a human being, and that there are severe consequences for

including perpetrators of inhumanity within the category of "humanity."³⁹ For them, "humanity" is an explicitly normative term with strict boundaries.

This view is represented less frequently (but equally forcefully) in academic literature by those like Jankelevitch, and in some moments, by Primo Levi. Their resistance to attribute humanity to those who frequently violate it often appears as the refusal or inability to "understand" what the perpetrators have done. Levi prefers, he says, the "humility" of those who, as he describes them,

confess to not understanding the furious anti-semitism of Hitler and of Germany behind him. Perhaps one cannot, what is more one must not, understand what happened, because to understand is almost to justify. Let me explain: 'understanding' a proposal or human behavior means to 'contain' it, contain its author, put oneself in his place, identify with him. Now, no normal human being will ever be able to identify with Hitler, Himmler, Goebbels, Eichmann, and endless others. This dismays us, and at the same time gives us a sense of relief, because perhaps it is desirable that their words (and also, unfortunately, their deeds) cannot be comprehensible to us. They are non-human words and deeds, really counter-human ...⁴⁰

One can readily see in Levi that to understand, to contain, is to contain within "humanity." There is a risk in allowing the inhuman to be comprehensible and therefore fully human. Neiman puts it this way when she distinguishes "evil" from other sorts of crimes,

A crime is something for which we have procedures-at least for punishing, if not for preventing. To say this is to say that a crime can be ordered, fit in some

³⁹ Even Gaita, who is adamant about stretching the boundaries of "humanity," cautions us against carelessly accepting moral monsters into the fold of "humanity", "Reminders that the death-camp guards were human beings and not monsters can mean more than one thing. It is a mistake to flatly endorse such reminders. Some human beings are monsters, in this sense: their deeds and their

characters are so foul that there rightly appears no space in the characterisation of their lives and feelings in which one could imagine remorse."⁵⁴

⁴⁰ Levi, 204.

manner into the rest of our experience. To call an action evil, is to suggest that it cannot-and that it thereby threatens the trust in the world that we need to orient ourselves within it.⁴¹

Levi suggests that our refusal to include **Nazi** death-camps in the rest of our experience, to refuse to understand, is an ethical matter not an intellectual one when he says we "mu.st not" understand those like Himmler and Goebbels. Why mustn't we? Recall that in the standard picture of humanity the moral importance of being human involves the kindness, benevolence or the unspecified goodness of human beings. Making moral monsters intelligible, and therefore human, involves the assessment of them as good, or kind or benevolent such that they are like the rest of us: morally important-so long as we subscribe to the standard picture. It is their goodness and their likeness with the rest of us that we must refuse. Can we make that refusal and still assert their moral agency?

Part of the risk of "containing" perpetrators of cruelty is of putting their behavior within the scope of our ordinary practices for handling wrong-doings. The fear is that in making comprehensible inhuman crimes, we minimize the damage they do, the extent of the wrong they are, which is understood partially by the ineffectiveness of our ordinary legal and moral practices for coping with them. Gaita describes it as follows,

It is as though the terrible and unique evil of these crimes reveals that the **law**, which of course is no stranger to the varieties of brutality and sadism, is founded on assumptions about our common humanity, our intelligibility to one another, w.h1c h these cn'mes underm'me.⁴²

⁴¹ Neiman, 8.

⁴² Gaita, 143.

Thus, the danger in making the crimes and those who commit them intelligible is two-fold. First, we risk underestimating and failing to identify correctly the kind of violation in front of us, and second, we risk perpetrating further injustices against the victims. We risk at best sentimentality and at worst contributing to injustice by insisting on the "particle of the dove" when it is kneaded into frames such as Himmler's.

We turn now to Jankelevitch's treatment of this complex issue. In "Should we Pardon Them," Jankelevitch addresses the debates surrounding statutory limitation for Nazi war crimes, thus shedding light directly on the issues involved in attributing humanity, and thus applying the rules of justice, to those who perpetrate such crimes.⁴³ Jankelevitch is adamant that *all* of the processes of justice are equally unfit for the "counter-human" horrors of Nazi war crimes. "One can do nothing," he says, in the face of them:

Properly speaking, this grandiose massacre is not a crime on a human scale any more than are astronomical magnitudes and light years. Also, the reactions that it inspires are above all despair and a feeling of powerlessness before the irreparable. One can do nothing. One cannot give life back to that immense mountain of miserable ashes. One cannot punish the criminal with a punishment proportional to his crime: for in relation to the infinite all finite magnitudes tend to equal one another; hence, the penalty hardly seems to matter; strictly speaking, what happened is *inexplicable*. ++

Thus, Auschwitz (and other extraordinary acts of human evil) must remain inexplicable, incomprehensible, beyond the scope of justice and thus beyond the bounds of humanity,

⁴³ We should note that Jankelevitch is referring explicitly to Nazi war crimes,

not to other acts of inhumanity and that he believes the crimes of WWII are marked as such in part because they are so exceptional, so extraordinary. Thus, there is a slight risk in displacing his insights about Nazi war crimes from their context and extending them to other sorts of inhuman acts. I will take that risk because his insights about the nature violations of humanity are profound and worth thinking through, in the context of WWII as well as ordinary cruelty.

+4 Jankelevitch, 558.

if we are to honor their horror properly and retain the normative force of the category "humanity."

Each side of the debate over what we afford perpetrators of inhuman acts aims to preserve the integrity and moral weight of the category of "humanity." Often, it looks as if the debate forces us choose between, on the one hand, accepting and allowing for unforgivable, irreparable evils and denying the horror of inhuman acts-if we acknowledge the humanity of moral monsters, and, on the other hand, failing to uphold one's own humanity by denying it to those who violate it, and forfeiting our practices for holding all moral agents accountable for their actions.

The normative dimension of "humanity" seeks to secure a necessary relationship between our life-form and our moral importance, or between the criteria for moral agency, and aspirations towards the path of The Good and The True. Thus, a violation of humanity (ordinary or extraordinary), must, in some sense, mark the disruption of this relationship and challenge the moral practices it is supposed to substantiate. The perpetrator of inhuman acts is a problematic reality for advocates of the standard picture of the moral importance of being human, whether they argue to include or exclude him from "humanity." When the moral importance of being human is thought to lie in our natural goodness, the utter malice of certain kinds of moral monsters presents clear counter-examples, the benevolence that motivates certain acts of cruelty presents others.

When moral importance is attributed to certain humans because they

possess the traits deemed necessary for moral agency, the moral monster shows up the inadequacy of those traits for our purposes, forcing us to accept the conclusion that one may possess those

traits, but neither aspire towards goodness nor be susceptible to our practices for handling badness. These traits may be necessary for moral agency, but they are not sufficient. Their presence in a person should indicate that it is appropriate to interpret that person's character and actions as either good or bad. Being a moral agent is the condition for being judged moral or immoral and seems to be in itself, therefore, a neutral designation, unaffected by one's bad actions.

Yet, in aligning moral agency with humanity, we see that it is not a neutral category at all. Our morally important characteristics are often contrasted with what we would do naturally, were we dispossessed of reason, virtue, choice or any other criteria for moral agency one advocates. But something about *our* having them, leads us to expect that when possessed by us, human beings, they indicate our aspirations towards The Good and the True. This is one of the expectations of being one of "us" with "humanity."

In examining the term "humanity," we have exposed the underlying reliance on natural goodness it assumes. Note what happens if we abandon this expectation of good will from moral agents: imagine a person thoroughly vicious, in whom, as Hume says, his natural kindness (if he has any) lifts neither a hand nor a finger. A creature who possesses the traits that are the criteria for moral agency (such as reason or empathy) but who employs them consistently to wound and destroy his fellows and or himself, would indeed, lack humanity, would be morally monstrous. There is

something radically different between him and those who are guilty of ordinary wrong-doing, violating legal or moral codes, but not those of "humanity," generally. On considering such a person,

we may wonder why it is so unpopular to exclude someone from humanity, a category implying moral participation, on the basis of their awfulness, but acceptable to exclude them on the basis of their mental or emotional incompetence. This is one of the confusions that results from insufficiently theorized relationship between our ideas of "humanity" and full moral participation. One could very well argue that in his evilness, the moral monster forfeits his moral agency because it's not clear what our moral practices mean when applied to him-they do not alter his behavior, inspire remorse, balance the wrongs he commits, or have any other discernible effect. His status as an appropriate subject for our moral practices is therefore questionable. Likewise, the perpetrators of benevolent cruelty, though they appear to possess the humanity required for moral participation, nonetheless baffle our expectations of full moral participants, and thus seem unfit for full moral participation. Thus, "moral agency" is indeed, also an evaluative category, carrying expectations about the agent's behavior and character and parasitic on the normative dimension "humanity." We may try to retain the integrity and normative force of the category of "humanity" by excluding moral monsters, but at the cost of undermining its essential relation to the sort of creature we are, from which its normative force is generated to begin with.

Acts of cruelty cause uncertainty about whether we can call certain people human, and that uncertainty is an indication that

our capacities for holding responsible have been upended and that we need to reexamine our understanding of the moral importance of being human. If natural goodness or the potential for it fail in justifying our normative claims on one another, then in what can we find such justification? What

we have reason to expect from human beings; what can substantiate⁴⁵ our belief in our moral agency is not, as has been supposed, only goodness, nor even the potential for goodness. I will argue that it is not even, as Weil so poignantly argues, the belief that good and not harm will be done to us. Rather, I **will** suggest that one aspect of our nature, that is central both to our being moral agents and to the normative demands of "humanity," is our capacity⁴⁵ to hold others responsible for their actions and to be held responsible in turn. I have argued that cruel acts are characterized by the inversion of an aspect of a creature's life-form for its destruction. Our capacities to hold others responsible for their actions and to be held responsible in turn belong to the human life form, make being human morally important and are exploited by acts of cruelty.

Establishing what this means and how it is the core of the normative dimension of humanity is an enormous undertaking. I will address it the next two chapters. In the following chapter, we will see what light the distinction between natural and moral harm, as made by recent philosophers and political theorists, can shed on the core of the normative dimension of humanity. Exploring the distinction between natural misfortune and injustice will introduce how holding and being held responsible are activities that make being human morally relevant. The next phase of this dissertation is devoted to exploring these two capacities and functions, and to establishing 1) that they are part of the human life-form, 2) their centrality to the

functioning of any moral system and 3) that they are directly attacked by acts of cruelty.

⁴ I will argue in the next chapter that the language of "capacities" as used here is misleading. Holding responsible and being held responsible certainly require certain traits and capacities, but they are themselves activities, and exist only in so far as they are acted on.

Chapter Four

RESPONSE AND RESPONSIBILITY

We will examine the distinction between natural and moral evils as characterized by moral and political philosophers such as Shklar, Neiman and Gaita. An exploration of the differences between horrible events that are immoral, but in the moral domain, and horrible events that are considered amoral or natural, will illuminate at least one feature of human beings that makes us morally important. **We will** see that the normative core of humanity rests not in our goodness or our expectation of goodness from one another, but, rather in our conviction that we stand in a different relationship to misfortune than to injustice-in a different relation to each other than to other causes of suffering. As we will see, the practices through which we most clearly express this conviction are those by which we establish moral responsibility.

Interestingly, theorists like those just listed, who, in other contexts, tend to provide insufficient accounts of the normative dimension of being human, offer far more substance when they articulate the distinction between naturally caused suffering and suffering caused by humans. Shklar introduces her analysis of the difference between misfortune and injustice with the following:

When is a disaster a misfortune and when is it an injustice? Intuitively the answer seems quite obvious. If the dreadful event is caused by the external forces of nature, it is a misfortune and we must resign ourselves to our suffering. Should, however, some ill-intentioned agent, human or supernatural, have brought it about, then it is an injustice and we may express indignation and outrage. As it happens, in actual experience this distinction, which we cling to so fervently, does not mean very much.¹

I will disagree with Shklar's last claim that the distinction between natural misfortune and injustice does not mean very much in actuality. Her conclusion results from her

¹ Shklar, *Force of Injustice*, 1.

sensitivity to the, mostly epistemic, difficulties of applying the distinction in practice. She cautions us that,

...what is treated as unavoidable and natural, and what is regarded as controllable and social, is often a matter of technology and of ideology or interpretation. The perceptions of victims and of those who, however remotely, might be victimizers, tend to be quite different.²

Shklar emphasizes the difficulties of assessing whether a disaster is a misfortune or injustice, and consequently overlooks the function of the distinction, which persists regardless of our success in actually applying it. I will argue, however, that no matter *how* we make the distinction, or fail to in particular cases, and even if our methods are inconsistent, the very existence of the distinction is, indeed, very meaningful. The distinction between natural and moral evils shows how important the relationship between humanity and morality is, the moral import of our life, form, which was merely implicit or taken for granted in the previous discussion. The distinction is so meaningful and essential for the practice of any moral system, in fact, that it is not diminished by our frequent inability to apply it successfully or correctly.

The distinction establishes two different sorts of suffering, which call for different sorts of responses. Neiman says, "The problem of evil can be expressed in theological or secular terms, but it is fundamentally a problem about the intelligibility of the world as a whole." The separation of moral and natural evils, in theory at least, enables us to determine how we should respond to each kind of

suffering, and thus, to begin to make sense of our suffering and
position ourselves in the world with respect to

² Shklar, *Faces of Injustice*, 2.

it and its sources. In so doing, we reveal our implicit understanding of the relationship between being human and being a moral agent.

Both Shklar and Neiman argue that the distinction between natural and moral evils marks modernity, and both cite the 1755 Lisbon earthquake as a critical event in the history of the distinction. "From that day onward," Shklar says, "the responsibility for our suffering rested entirely with us and on an uncaring natural environment, where it has remained."³ For Shklar and Neiman, the displacement of God as the primary explanation for man's suffering is the most significant feature of this change.

Each theorist notes the struggle played out in the intellectual arena between Rousseau, Voltaire, Kant and others responding to the Lisbon tragedy. The notion, now mostly taken for granted, that hurricanes, earthquakes and disease strike randomly and are meaningless is one result of this debate. Neiman says,

Here Rousseau began to demarcate a sphere of natural accident that is neutral: disaster has no moral worth whatsoever... On the one hand, this was the beginning of a modern distinction between natural and moral evil. It is crucial to such a distinction that natural evils have no inherent significance.⁴

The random, meaninglessness of natural disasters contrasts with the directed, intentional, meaningfulness of much non-natural suffering. Those who cause the latter are different from the causes of natural disasters in that they can be held accountable for their actions (often, whether or not those actions were clearly intentional). We now need

to explore the idea of humanity, highlighted by responses to the
Lisbon earthquake, that underwrites our conviction that holding one
another responsible for

³ Ibid, 51.

⁴ Neiman, 59.

the suffering we cause is a very different enterprise than screaming into a hurricane

or cursing and placating God. Even if, as Neiman points out, "the more responsibility for evil was left to the human, the less worthy the species seemed to take it on."⁵

The shift in our responses to suffering is from explanation and blame to

accountability, and to a new thirst for holding people responsible,

pinning "the doer to the deed," as Nietzsche puts it.⁶ Shklar says,

"Someone simply must be to blame to maintain the unquenchable

belief in the rational world..." She does not ask why. Why do we

need someone to blame for the world to be intelligible? I will not

offer an answer

to this question, I will suggest that making sense of our suffering

belongs to the human life-form and that it is integrally connected to

holding another responsible and be held responsible for one's actions.

Neiman criticizes the claim that Augustine was the first to attribute responsibility for evil to man. In her critique she confirms that the moral import of being human, of being a human moral agent, is in our capacity to act, to do something: in this case, to possess the autonomy to direct our actions towards good and away from what is wrongful or harmful.

Augustine is sometimes said to have given humankind responsibility for evil. It seems more accurate to say he gave humankind the blame for evil, but this is not the same. On Augustine's account, perhaps Adam and Eve, but only Adam and

⁵ Neiman, 4.

⁶ Without disputing Shklar and Neiman's characterizations of the shift to modernity after the Lisbon earthquake, I will add that I think the shift from theological explanations of evil to human ones involves more than the transfer of blame from god to man. Or rather, that blaming god and holding man responsible for our suffering are dissimilar activities.

Eve, could have done otherwise. Without massive supernatural intervention, we surely cannot.⁷

I will suggest that if Neiman is right that there is a difference between blame and responsibility, then blame is not the linchpin of our moral sanity-responsibility is, and that this is what studying the Lisbon earthquake makes clear. Even if God could be *blamed*, and theology can *explain* our suffering, it seems inappropriate for us to hold him *accountable* for our suffering for the same reason it is inappropriate to hold any non human, be he super or sub-human, accountable for his actions and the suffering they may cause us: in the first case, it is inappropriate to believe god, anything super-human, or anything natural could have or should have done differently, and in the second case, it is unreasonable.

Note that both Shklar and Neiman characterize the shift to modernity in terms of how we *respond* to our suffering. The belief that an agent not only could have done differently but that another being has the authority to say that he should have is central to the difference between natural and moral evils. Natural evils are caused by beings and things that either could not do otherwise, or over whom we have no authority to judge. Contrarily, moral evils are caused by agents who we believe not only have the autonomy (and reason, empathy, or benevolence) to have done otherwise, but in relation to whom we (as fellow-agents, witnesses, victims, etc.) may make that judgment, and to whom our

⁷Neiman, 43.

judgement matters. Failures of responsibility may occur at any of these complicated junctures, but the one the most interests us is the last.⁸

If we return to Shklar's comment from the introduction to *The Faces of Injustice*,

we will see that the most immediately apparent difference between natural and moral horrors is that we respond to *natural* evils with inaction, impotence, helplessness and resignation. We respond to moral evil with action, outrage, the sense that we can and should *do something* about it. Recall that Shklar says,

If the dreadful event is caused by the external forces of nature, it is a misfortune and we must resign ourselves to our suffering. Should, however, some ill intentioned agent, human or supernatural, have brought it about, then it is an injustice and we may express indignation and outrage.⁹

Now that we see that suffering caused by human beings prompts our outrage and *not* our resignation, we should ask why. What about being human entitles us to make normative demands and take retributive action against other human beings? And what do we expect will come of such actions? Why do we respond differently to the deaths caused by a hurricane, or a freak attack of killer bees, than to the work of a serial killer? That is, why don't we, as Nietzsche urges, act like realistic lambs and carry no grudge against predators? The simple answer we have seen so far is that we view our relationship to our human predators differently. We can't do anything to stop or change hurricanes and other natural disasters (though we may take action to protect our selves from them). As

Shklar says, we must resign ourselves to their destructiveness. Likewise, there is nothing

⁸ Our interest in this last marks a departure from traditional ethical concerns about which and whose actions count as free, and who deserves our moral concern.

⁹ Shklar, *Faces of Injustice*, 1.

the lamb can do about the bird of prey. Nor, of course, can the lamb change his nature or the bird of prey his. Conversely, we *do* expect to be able to do something about suffering caused by humans. In order to understand the moral importance of being human then, we will explore this expectation and on what grounds we harbor it. The morally important features of humanity we are searching for are those that support our conviction that *we* can *do something* about suffering caused by humans. The practices of holding responsible and being held responsible reflect this conviction.

Claims like Hume's and Gaita's, that we should see goodness in humanity "beyond sense and reason and any empirical evidence" seem to miss the mark in identifying the normative sphere of humanity. The normative dimension of humanity, if I am right in claiming that it relates to being able to be held accountable, is a sphere of action, of doing in community *with* others. Thus, a creature whose behavior did not demonstrate the capacity to hold others responsible and be held responsible in turn, would not be a human to whom we could grant full human agency. One whose behavior prevents him from being held responsible and renders victims and witnesses impotent to do anything, has thereby, violated humanity. Perhaps this explains Gaita's description of moral monsters as those in whom one could not imagine remorse.

I have said that cruelty violates the conditions for holding and being held responsible, that it is the most extreme violation (even

though particular instances of it may be ordinary or extraordinary; malicious, benevolent or indifferent), and that it turns aspects of a creature's life-form, which should lead to flourishing life of it's kind, against it. In this chapter, I will explore ways of characterizing the normative dimension of

humanity as it is expressed through our practices for establishing, and failing to establish an agent's moral responsibility. I will examine how the practices that sustain responsibility are part of the human life-form, so that we can see what is violated by cruel acts. Our questions are 1) why do we think we stand in a relation of capability to moral harm as opposed to inevitability? 2) How do our responses to moral harm reveal our special relationship to its perpetrators? 3) What do we imagine we are we capable of doing? 4) How do cruelty and other acts of "inhumanity" undermine the capacity to hold responsible? 5) In what sense does the normative dimension of humanity belong to the human life-form as an aspect necessary for our flourishing?

We will begin by exploring what about moral agents makes us believe that the harm they cause is different for us than the harm from non-moral sources. Traditionally, ethicists address this issue by asking about the moral character of the agent and the action. Such efforts, however, rarely show us how the perpetrator's moral agency, his character, and action, leads to a relationship with his victim (or the victim's community) that is different from the relationship between a falling rock and the one pummeled by it-or from the lamb's relationship with the bird of prey. What I suggested at the end of the last chapter, I will argue for over the course of this chapter: that whatever makes moral agents morally important must be understood with respect to the agent's interaction with those in the moral community, who, in the face of harm he may cause, feel empowered as

opposed to helpless and impotent.

There is a long-standing debate about which qualities an agent must possess to be considered responsible. In chapter three, we saw that possession of "humanity" is a

precondition to moral agency. We also saw that these discussions about "humanity"

rely on benevolence as the quality that makes being human morally important. In more strictly ethical discourses, freewill, autonomy, and reason, are the most weathered offerings as the traits most necessary for moral responsibility. Certainly all of these characteristics are necessary for a flourishing moral agent. Rarely, however, do ethicists ask why the existence of those qualities in a wrongdoer should make the victim or the community feel empowered. Is that which confers moral agency on us also that which justifies the sense in those around us that the harm we cause is different from other causes?

We will see that the above morally important characteristics take their significance not only from their effect on the agent who possesses and employs them, but also from their effect on the relationship between that agent and those in his path. We are looking to describe the relationship that establishes you as the victim, not just the occasion, of my wrongdoing, as Michael Thompson says.¹⁰ Therefore, we must see how my moral agency establishes a normative connection directly between me, as the perpetrator, and you, as the victim. In considering this relationship, we must consider the following questions: what does it matter to me, as potential victim or witness to wrongdoing that an agent (as opposed to a force of nature or a being who lacks agency) is responsible for it? How does his being responsible lead me to view my relation to him as one in which I can and should act, in which my actions matter?

¹Michael Thompson, "Relations of Right."

Classically, one of the morally salient features of being human is our freewill because it is required for moral responsibility. Thus theses of determinism are seen as a challenge to the heart of our moral practices. Much modern and contemporary work on moral responsibility revolves around the complexities of these two subjects and the theoretical and practical consequences for theorizing responsibility of proving or disproving determinism. This literature contains important discussions of what counts as voluntary, free action and what sorts of constraints legitimately limit an agent's responsibility for his action. Herbert Fingarette offers the following summary of the range of questions about moral responsibility most often investigated by philosophers:

By some philosophers, moral responsibility is supposed to hinge upon certain aspects of the character and circumstances of action ("Did he do it?" "Is all behavior 'determined'?" "Was he free?" "Did he know what he was doing?" "Are there any excusing or mitigating circumstances?"). Other philosophers have held that moral responsibility hinges upon the answerability and deserts of a person ("Does he deserve punishment?" "Will blaming him alter his character or conduct?" "May he be called upon to answer for what happens?"). Still other philosophers have supposed that moral responsibility turns in some way on a combination of the preceding issues ("Did he do it in such circumstances as to be answerable for it?" "Shall we hold him answerable, ascribe responsibility to him, and in that sense say it was his action.⁷").¹¹

This debate provides helpful insights into our questions. It does not, however, address them fully.

The traditional relationships between free-will, autonomy and moral agency are taken for granted outside of certain branches of elite ethical or religious discourses; it hardly seems worth mentioning

that we must be able "to do otherwise" if we are to be held responsible for what we have done. Our autonomy (however conditioned one

¹¹ Fingarette, 60.

believes it is) is certainly one of the many features distinguishing full human beings from "lesser" creatures. Without the ability "to do otherwise," and without our awareness of our ability to do otherwise, we may suffer for our badness and be the cause of our own suffering as a child or the mentally ill may be. We may not, however, be held responsible for the suffering we cause any more than a child or someone mentally ill.

Nietzsche attacks precisely the assumption about human beings that sustains our

moral practices-that we are different, in kind, from other kinds of causes of harm; that we can pin the doer to the deed, hold him responsible, and that this is because he could have done otherwise than he did. He 'NTites,

No wonder if the submerged, darkly glowering emotions of vengefulness and hatred exploit this belief for their own ends and in fact maintain no belief more ardently than the belief that the strong man is free to be **weak** and the bird of prey to be a lamb-for thus they gain the right to make the bird of prey accountable for being a bird of prey.¹²

Nietzsche suggests, rather, that an honest assessment of human beings would be one in which we see them as we see other parts of nature, and to view their actions against us as we view natural disasters.¹³ That this is so radical and nearly unimaginable in practice is an indication of our deep investment in our capacity to be and do otherwise. More interesting to me is that the moral relevance of the capacity to do otherwise is connected

not just to our own governance of ourselves, but to the possibility
that another can affect our actions. What is at stake in the

difference between misfortune and injustice or

¹² Nietzsche, 44-45.

¹³ According to Neiman, we cannot take on responsibility for what we do in someone like Augustine's eyes because we lack the freedom to do otherwise. We can no longer help ourselves by choosing not to do evil.

natural and moral evil (and thus the normative core of humanity) cannot be captured merely by noting that individual human beings govern (to some degree) their own actions. We must consider how an actor's autonomy is relevant to the assessment of his action as an injustice, as opposed to a misfortune. Thus, we will have to explore the significance of his autonomy for his victim, potential victim, or the others in his community who make such assessments and who suffer either from misfortune or injustice. We will ask, for example, what is the relevance for me, as a potential victim of your bad behavior, that you are an autonomous, moral agent? What do I expect to be able to do? ¹⁴

The Centrality of Moral Responsibility

I will begin by turning to discussions of freedom and responsibility in contemporary ethical discourses to see what light they shed on the questions I asked above.¹⁵ Vaclav Havel, Peter Strawson, and Herbert Fingarette, among others, suggest that the core of our normative practices are those through which we hold and are held

. It may initially appear that the questions I asked at the beginning of this chapter naturally lead to a consequentialist orientation towards the issues. I have asked "what does it matter?" that an agent chooses his actions, that he can do otherwise, etc., and "what is the point" of holding him responsible, "what can others in his path do." It is tempting to reach for an understanding of moral responsibility that promises concrete answers about what it is for, what traits are necessary and sufficient for its attribution, and how to measure the validity of acceptance, denial or attribution of responsibility in a particular case. A consequentialist approach, however, will obscure the real complexities and richness of the issues. I will eventually suggest that the purpose and meaning of the normative dimension of humanity, and thus of moral agency, transcends the typical results of our practices for holding and accepting responsibility. Their meaning is not exhausted by their consequences, though I will spend much of this chapter investigating the purpose of our practices for holding an agent

responsible. There is, needless to say, a significant amount of work to do before we reach that phase of the argument.

¹⁵ In this literature, though there is much discussion about the proper conditions for holding an agent responsible for his action and the means of doing so, there is a notable lack of sophisticated accounts of why holding an agent responsible is so morally important.

responsible. These theorists, in their own differing ways, emphasize the inter- subjective aspects of being a moral agent and of moral responsibility.

Havel writes:

...the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human modesty and in human responsibility.

16

Further on, he makes clear how central responsibility is to moral practices:

We are still incapable of understanding that the only genuine core of all our actions-if they are to be moral-is responsibility. Responsibility to something higher than my family, my country, my firm, my success. Responsibility to the order of being, where all our actions are indelibly recorded and where, and only where, they will be properly judged.¹⁷

The "order of being" Havel speaks of here is the "human conscience." In this speech he does not offer a substantial definition of what he means by "human conscience," but one gets the sense from his writings that he means the normative current that binds human beings merely because we are all in "the family of man."¹⁸ The relationship governed by the "human conscience" is immediately interpersonal. Focus on it brings to light that our moral obligation is directly to each other; it is not mediated by anything. Havel, like many thinkers who spoke after and in response to the atrocities of the Second World War, urgently speaks of our active personal responsibility for each other and our world. He strips the

interpersonal moral issues of anything

¹⁶ Havel, 18-19.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 18-20.

intermediary-law, reason, God, country, family, personal or political success, etc. His speech in memory of Czechoslovak holocaust victims demonstrates the intimacy he calls for from others:

Whenever I am faced with documents on the Holocaust, the concentration camps, the mass extermination of Jews by Hitler during the Second World War, I feel strangely paralyzed: I know that I should say something, do something, draw conclusions, yet I feel that any words would be false, inadequate, inept, or deficient. I can only stand in silence and incomprehension. I know that one must not remain silent, yet I am utterly speechless. That state of paralysis proceeds from a deep-perhaps even a metaphysical-feeling of shame. I am ashamed, if I may put it this way, of the human race. I feel that this is man's crime and man's disgrace, and therefore it is my crime and my disgrace, too. That paralysis allows me to perceive human guilt, and my own co-responsibility for human actions and the condition of our world from the bottom up. As a human being, I feel responsible for humanity as such and, staring uncomprehendingly at this cruelty, I cease to understand myself-for I, too, am human.¹⁹

Havel's sense of "humanity" and of moral responsibility is not diluted by an abstract sense of collective duty. He is not speaking here of responsibility only to law, or particular virtues, or God, but to fellow humans, for human beings, because we are human beings.

Peter Strawson, in his essay "Freedom and Resentment," also focuses on the inter-personal aspects of our moral life. He asks us to:

...keep before our minds something it is easy to forget when we are engaged in philosophy, especially in our cool, contemporary style, viz. What it is actually like to be involved in ordinary inter-personal relationships, ranging from the most intimate to the most casual.²⁰

¹⁹ *Ibid*, 75.

²⁰ Strawson, SO.

What it is like to actually be inter-personally involved is to have and expect from others what Strawson calls "reactive attitudes," as Havel's response demonstrates, and which, Strawson says, may be personal, or objective, formal or informal.

The emphasis on the inter-personal character of responsibility, seen in the work

of those like Strawson and Havel, comes from the realization that much moral theory misses something vital to our lived practices. The concern motivating these theorists, as well as the next two we will look at (Fingarette and Thompson), is that a full understanding of moral responsibility is not exhausted by proofs of our metaphysical status, nor by the measurable consequences of our moral practices for social reform. Each of these considerations is important, but taken alone, or even together, they are, to put it crudely, too impersonal. There is an activity, urgency and inter-subjectivity to our "actual" moral practices that is untouched by the rise or fall of theories about our free will, and the social efficacy of our moral practices.

Strawson's concern, as his title suggests, is to show that moral responsibility is constituted by our actual responses and reactions to wrongdoers and wrongdoing, and, as such, remains unaffected by the truth or falsity of deterministic theses. These "reactive attitudes" allow us to make very subtle distinctions about who is responsible for what, and by examining them, we can see when an agent should or should not be held responsible for an act, and why. Strawson distinguishes between "participant reactive attitudes" and "objective reactive

attitudes," and sorts out what conditions restrain them, what constraints are due to something about the perpetrator of an action, making him

seem as less than a full agent, and what restraints are due to the nature of the injury itself.

For my present purposes, I will point out two interesting features of Strawson's work. First, his argument that moral responsibility is constituted by our attitudes and responses to one another recuperates inter-subjectivity into the dialogue. In order to understand the peculiar intimacy of cruelty, we must be able to see how cruel acts violate not just laws, or duties, but are, rather, violations *of a creature*, by another creature. We must, therefore, acknowledge that we are looking for a language that captures the normativity between human beings, unmediated by particular laws or customs, which results from our shared form of life as human beings. This sphere of normativity, after all, is what we have argued the term "humanity" covers, the sphere to which Havel refers in the quotation above. Strawson's terms, "participant reactive attitude" and "objective reactive attitude," and his explanations of them, offer a good starting point for unpacking "humanity." More importantly, his essay establishes the need for such a language, even if we eventually discard his particular terms and conclude that his description of what goes on between moral agents is insufficient.

Gary Watson offers this account of Strawson's contributions to thinking about moral responsibility:

Strawson's focus is on such attitudes and responses as gratitude and resentment, indignation, approbation, guilt, shame (some kinds of) pride, hurt feeling, (asking and granting) forgiveness, and (some kinds of) love. All traditional

theories of moral responsibility acknowledge connections between these attitudes and holding another responsible. What is original to Strawson is the way in which they are linked. Whereas traditional views have taken these attitudes to be secondary to seeing others as responsible, to be practical corollaries or emotional side effects of some independently comprehensible belief in responsibility,

Strawson's radical claim is that these "reactive attitudes" (as he calls them) are constitutive of moral responsibility; to regard oneself or another as responsible just is the proneness to react to them in these kinds of ways under certain conditions. There is no more basic belief which provides the justification or rationale for these reactions. The practice does not rest on a theory at all, but rather on certain needs and aversions that are basic to our conception of being human.²¹

The second particularly interesting feature of Strawson's argument, also mentioned in Watson's quotation above, is that these interpersonal responses that constitute moral responsibility derive from our form of life as human beings, as Gaita and Havel's works also suggest. They express and satisfy an essential need. Strawson observes, "Our practices do not merely exploit our natures, they express them." Thus, if cruel acts undermine our practices to hold and be held responsible, which are "based on certain needs and aversions that are basic to our conception of being human," and are also "expressions of our natures," then we may begin to outline how cruel acts attack our very form of living. What kinds of actions or characters can actually undermine our practices of moral responsibility is a difficult question, to which I will return shortly.

For now, let us explore the "needs and aversions" our practices are based on by noting one further aspect of Strawson's theory to which Watson draws our attention: reactive attitudes express a demand. Strawson says of personal reactive attitudes that they:

rest on, and reflect, an expectation of, and demand for, the manifestation of a certain degree of good-will or regard on the part of other human beings towards ourselves; or at least on the

expectation of, and demand for, an absence of the manifestation of active ill will or indifferent disregard.

²¹ Watson, 220.

This is also true of vicarious or objective reactive attitudes,

..towards all those on whose behalf moral indignation may be felt. For all these types of attitude alike have common roots in our human nature and our membership of human communities.

As Watson points out, demands are demands *of someone else*. He concludes then,

To be intelligible, demanding requires understanding on the part of the object of the demand. The reactive attitudes are incipiently forms of communication, which make sense only on the assumption that the other can comprehend the message.²²

It matters a great deal, then, what it means to "understand" the demands expressed in the activity of holding another responsible.

In fact, it would seem that "understanding" has replaced "benevolence" as that which, when combined with our autonomy, makes us morally important (e.g., human) and morally responsible.

I agree that the intelligibility of our demands requires that their object "understand" them, though it is not at all clear *what* he must understand, nor *why* "intelligibility" is the most important measure, as Watson implies. What could the appropriate object "understand" that would provide us with a reason to believe we are capable of doing something about the injustices he may cause-or invite us to stand in a relation of empowerment as opposed to impotence with respect to his actions?

Perhaps a closer look at the demand expressed by our responses to wrongdoing will reveal something useful about what is expected of the one of whom it is demanded. Watson, following Strawson, repeats

that: "The basic demand is...a moral demand, a

²²Watson, 127.

demand for reasonable regard"²³ - a more or less benevolent attitude toward us on

the part of others.²⁴

His description of the demand from others that constitutes the core of our moral relations certainly reflects the faith in human goodness prevalent in the "standard picture" of "humanity," which we saw in chapter three. But as Watson points out, Strawson has imported quite a bit more into his seemingly innocuous articulation of what we demand through our reactive attitudes. He remarks:

It is tempting to think that understanding requires a shared framework of values. At any rate, some of Strawson's remarks hint at such a requirement on moral address. He writes that the reactive attitudes essentially involve regarding the other as a 'morally responsible agent, as a term of moral relationships, as a member of the moral community.' This last phrase suggests shared ends, at some level, or a shared framework for practical reasoning. Thus, comembers of the moral community are potential interlocutors.²⁵

Now, it appears that the sort of understanding that makes one a potential moral interlocutor is the substance of "humanity." Note that exchanging terms like "interlocutor" and "comember" for those such as "benevolence," "understanding," and even "autonomy," and "rationality," shifts the focus from an individual alone to an individual in *relationship* to others.

²³ As quoted, Strawson says, "The personal reactive attitudes rest on, and reflect, an expectation of and demand for, the manifestation of a certain degree of goodwill or regard on the part of other human beings towards ourselves..." 57.

²⁴ Watson, 229.

²⁵ *Ibid*, 234.

Objection to Strawson

The difficulty here, according to Watson, is how to understand the intelligibility of Strawsonian moral address (through the expression of our reactive attitudes) without relying on either the consequentialist or metaphysical conditions Strawson is trying to bypass. Full consideration of Watson's questions of Strawson would take us off track. His initial concern, however, is with the consequences of understanding the "communication" expressed in our demands as a "dialogue" or "possible dialogue" with a "potential moral interlocutor." Since this is our concern as well, we will dedicate some space to it.

Strawson has made a lovely effort towards recuperating the personal and inter personal aspects of our practices for holding and being held responsible, on which we will continue to rely for our investigation into what cruel acts violate. Watson is sympathetic to Strawson's "expressivist" account of moral agency. But he observes that stressing the inter-personal in moral responsibility, and moreover, claiming that the inter-personal is constitutive of moral responsibility, is risky: Strawson sets the stage for the claim that our practices for holding a qualified agent responsible may be undermined by the agent or his action. In Strawson's terms, there is the possibility that another, who is properly qualified, will not only refuse to satisfy the demand, but also refuse to enter the dialogue. We now find that a person may be excluded from the moral community not only because

he can't be a moral interlocutor, but also because he won't. This is a

difficult idea, which tends to divide theorists.²⁶ Presuming this to be an unacceptable outcome, Watson concludes that Strawson's version of the expressivist theory is "inordinately optimistic."

The concern *of* those like Watson is that the "intelligibility condition" appears to require, in the end, too much from those whose responsibility we aim to engage with our reactive attitudes, first because there are those who refuse dialogue but are otherwise appropriate candidates for responsibility. Second, in such cases, our attitudes towards such people may produce a paralyzing conflict. My interest is primarily in Watson's treatment of the former.

Watson points out that if we concede that moral responsibility is constituted by the reactive attitudes agents express towards one other, an intelligibility condition for those attitudes, requiring something like a "moral self" that is the locus of "shared values" or "shared ends," is required, or else moral address loses its "point." He quotes Lawrence Stern on this,

...when one morally disapproves of another person, it is normal to believe that he is susceptible to the appeal of the principles from the standpoint of which one disapproves. He either shares these principles or can come to share them.²⁷

Watson discusses the ways in which "blaming and praising those with diminished moral understanding loses its 'point,'" as happens with children, the retarded, or someone under extreme stress. He rightly cautions that acknowledging the conditions under

²⁶ This divide parallels the one we reviewed in chapter 3, over whether and how to include or exclude moral monsters in humanity.

²⁷ Stern, 8.

which moral address loses its "point" (and thus admitting that there is a 'point' to moral address) does not commit us to seeing the "point" of moral address in terms of its effects or consequences. Moral address loses its "point" in the case of those with diminished capacity for understanding because there is no coherent or capable "moral self" to be addressed, not just because it is ineffective. The inference from Strawson's work that disturbs Watson is that "the point" of moral address may also be lost when someone with all the makings of a coherent moral self simply refuses or "lacks moral concern." The conclusion of this chapter will ask what would it mean for moral address to be effective, what counts as the sort of "communication" that gives moral address a "point"?

Earlier in this dissertation, I asked why it is unproblematic to exclude someone from full moral participation on the basis of his mental incompetence, but not on the basis of his moral incompetence. Watson asks a similar question:

Does morally addressing another make sense unless we suppose that the other can see some reason to take us seriously, to acknowledge our claims? Can we be in moral community with those who reject the basic terms of moral community? Are the enemies of moral community themselves members? If we suppose that moral address requires moral community, then some forms of evil will be exempting conditions. If holding responsible requires the intelligibility of moral address, and if a condition of such address is that the other be seen as a potential moral interlocutor, then the paradox results that extreme evil disqualifies one from blame.²⁸

Watson's concerns are interesting to note because they reveal the

conceptual tangle that arises from the insufficient **work** on the normative content of "humanity." Most often, examples involving moral monsters are used to illuminate these tangles and paradoxes,

²⁸Watson, 235.

as more appears to be at stake in how we handle them than it does with our treatment of those who perpetrate ordinary cruelties. Watson illustrates the paradox he notes above with the case of Robert Harris. Harris is a wantonly cruel, unrepentant murderer who qualifies as a moral monster.²⁹ Here, as always, the clarity of Harris' horror is in the details. Suffice it to say that, once serving time on death row, Harris wasn't even able to join the community of his fellow convicts. His fellow inmates also thought he should be killed.

The moral monster, as exemplified by Robert Harris, evokes outrage and other

reactive-attitudes-in fact, according to Watson, his case prompts conflicting attitudes that Strawson's theory can't resolve. On one hand, one can't help but be horrified by Harris and what he's done. On the other hand, Harris does not appear to qualify as a moral interlocutor. Watson points out that according to Strawson's theory, interactions with Harris do not meet the "intelligibility condition," so he cannot be held responsible. At the same time, according to Strawson's theory, we do not withhold or modify our reactive attitudes towards him, and so he is held responsible through the expression of those attitudes. Watson and Strawson agree on the following: 1) our reactive attitudes are demands. 2)

There are intelligibility conditions for our demands to have a "point." And 3) the "intelligibility conditions" are met by the "understanding" of the one addressed, and the coherent "moral self" of the one addressed. If we leave it at that, then

²⁹ He car-jacks a car with two teenaged boys in it and lets them out after driving for a while. He instructs them to run, saying he will have to shoot them if they don't. As they do what he tells them, he shoots them in the back, killing one. The other survives the initial shot, so Harris shoots him point-blank in the head and bursts into laughter when his head explodes. Upon returning to the car, he lunches on the murdered boys' sandwiches, offering one to his partner and friend, who refuses, nauseated.

Harris appears to be an inappropriate object of our moral horror, since in expressing that horror, we are engaging him as a potential moral interlocutor, which he is not. We react to him, which should set into motion the practice of holding him responsible, but there is no point in doing so. In light of this, Watson concludes that either moral responsibility is not totally constituted by our reactive attitudes, or we have set too stringent a requirement on the intelligibility conditions for our demands. He does not admit that there is a third possibility: that there are limits to how much and what kind of evil our moral practices can cope with.³⁰

The difficulty for Strawson, Watson says, is that:

On the face of it, Harris is an 'archetypal candidate' for blame. We respond to his heartlessness and viciousness with moral outrage and loathing. Yet if reactive attitudes were implicitly 'invitations to dialogue' (as Stern puts it), then Harris would be an inappropriate object of such attitudes. For he is hardly a potential moral interlocutor, 'susceptible to the appeal of the principles from the standpoint of which one disapproves.' In this instance, an invitation to dialogue would be met with icy silence...or murderous contempt.³¹

Irrespective of the explanatory story we tell about why Harris is the way he is, his behavior is an example of (in Watson's terms) "extreme evil." Strawson offers two categories of considerations about a person and an act that legitimately restrict our reactive attitudes towards him and mitigate his responsibility. Harris, however, doesn't fall under either category. The second, "type-2" pleas, exempt a person from moral responsibility because "he is incapacitated for ordinary interpersonal relationships."

³⁰ These limits are most obvious in instances of extraordinary cruelty, but they are also breached in instances of ordinary and benevolent cruelty.

³¹ Watson, 238.

Under this heading, are small children, the mentally insane or retarded and psychopaths. Harris should not be excused on type-2 pleas, along side of those who can't participate in the moral community, or who are not to be blamed for other reasons (they weren't themselves, they were under extreme duress, or insane, etc.). Harris is a man who *doesn't* participate. He is "incapacitated for ordinary interpersonal relationships," insofar as he lacks the moral concern that marks those relationships, and this lack is part of what we blame him for. He is not an interlocutor because he lacks moral concern, not because his capacities for meaningful locution are diminished. Watson writes:

Unlike the small child, or in a different way, the psychopath, he exhibits an inversion of moral concern, not a lack of understanding. His ears are not deaf, but his heart is frozen. This characteristic, which makes him utterly unsuitable as a moral interlocutor, intensifies rather than inhibits the reactive attitudes. Harris's form of evil consists in part in being beyond the boundaries of the moral community. Hence if we are to appeal to the constraints on moral address...we must not include among these constraints comembership in the moral community or the significant possibility of dialogue-unless, that is, evil is to be its own exemption. At these outer limits, our reactive attitudes can be nothing more (or less) than a denunciation forlorn of the hope of an adequate reply.³²

Watson believes that something must be amiss with Strawson's account if it leads us to conclude that extreme evil is a fatal challenge to our moral practices, "that evil is to be its own exemption." He says:

Strawson's general rubric for type-2 pleas...is "being incapacitated for ordinary interpersonal relationships." Does Harris have some independently identifiable incapacity for which his biography provides evidence? Apparently he is incapacitated for such relationships-for example, for friendship,

for sympathy, for being affected by moral considerations. To be homicidally hateful and callous in Harris's way is to lack moral concern, and to lack moral concern is to be incapacitated for moral community. However, to exempt Harris on these grounds is problematic. For then everyone who is evil in Harris's way will be exempt, independently of the facts about their background. But we had ample

³² *Ibid*, 239.

evidence about this incapacity before we learned of his childhood misfortunes, and that did not affect the reactive attitudes."

Watson insists that being incapacitated for moral community isn't enough to exempt one from moral responsibility. Harris' lack of moral concern "incapacitates him for moral community," but doesn't exempt him from responsibility on those grounds: in fact, our attitudes towards him "become more intense."

Our responses to him change not when we realize he lacks moral concern, but when we get a glimpse of why.³⁴ As one may suspect, Harris' upbringing was tragic. His childhood was full of cruelty and lacking in love. Watson believes that our reactive attitudes, so clear and intense when we first learn of Harris's crimes, are sensitive to this information, and seem to soften. And yet, as Watson points out, we no less believe he is responsible for egregious wrong-doing. According to Watson, Strawson does not adequately address this complexity. And thus, we must question either the reactive attitudes as fully constitutive of holding responsible (as Watson does), because there are cases that are too complicated for them. Or we question our practices for holding responsible, accepting that it is they, and not a theory about them, that may fail when most needed.

³³ *Watson*, 243.

³⁴ Watson writes, "With an expressive theory...it is not clear that a general

skepticism about the propriety of the reactive attitudes can be separated from skepticism about responsibility. For the latter concept is the concept of the conditions in which it is appropriate to respond to one another in reactive ways. In a Strawsonian view, there is no room for a wedge between practices that evince the reactive attitudes and the belief in responsibility." 254.

Watson tries to show with the Harris case that demanding moral accountability of someone is not contingent on his being a potential moral interlocutor or a participant in the moral community. If our reactive attitudes constitute holding responsible, and we continue to express them to Harris, even with the knowledge that he has rejected our moral community, then, Watson insists, we still hold him responsible. If our reactive attitudes towards Harris soften on the basis of his story, we may still *believe* he is responsible, and hold him responsible by other means. We react, respond, and want to hold those like Harris responsible precisely *because* they lack moral concern. Watson's argument here appears reasonable.

However, if we do not require moral concern and participation in the moral community of those to whom we attribute moral agency and responsibility, then on what are our normative demands based? What defines their relationship to us as a moral one? The idea of communication, of the "understanding" required by the agent, now seems even further from our grasp.

I agree that Strawson's account is incomplete, but not for the same reasons as Watson. Strawson's theory forces us to see that our practices for coping with wrongdoing may fail when we most need them, but I disagree with Watson that this is evidence of a weakness in the theory. On the contrary, it may turn out that our moral sphere is fragile and rests on a faith that can truly be shaken by those such as Harris.

Despite Watson's sympathies with Strawson, he ends up

missing the inter
subjectivity Strawson places at the heart of his theory. Our
reactive attitudes constitute holding responsible in so far as they
remain inter-personal-and thus, when all the requirements for
inter-personal moral address are satisfied. Our one-sided reaction
to

Harris isn't enough to constitute his being held responsible. Without Harris's side

of the interaction, our efforts are, indeed, "a denunciation forlorn of the hope of an adequate reply." Our persistence in making such forlorn denunciations of characters like Harris's is not, in itself, enough to prove that doing so is sufficient for holding him responsible. Our persistence proves only that we desperately hope and need to be able to hold him responsible, and that we will blindly insist that he can be so held, despite all evidence to the contrary. Harris represents the limits of our moral capacities, and it is no wonder that we don't retreat from those boundaries willingly.

Watson's description of the kind of evil Harris commits as consisting "in part in being beyond the boundaries of the moral community," is dead on, even if Watson does not articulate why. This is because, as Stanley Cavell says, "moral monsters are neither forgivable nor unforgivable."³⁵ They are, indeed, beyond the bounds of the moral

community, which is a real problem for our formaVpublic, informaVprivate moral practices. I suggest that Harris's kind of evil, and what we have been calling cruelty (even ordinary and benevolent cruelties), is not just a theoretical problem that can be solved with a sophisticated enough account of what moral practices should be or should be able to accommodate. I suggest, rather, that Watson's misguided conclusion exemplifies the

consequences of insufficiently theorizing the terms that mark the outer limits of our moral domain, and thus the blindness to the reality of these limits.

Watson assumes that the problem posed by Harris is a theoretical problem, rather than a practical one. In so doing, he neglects that terms like "evil," "inhumanity"

³⁵ Cavell, 377.

and "cruelty," are profound because they mark the *real* limits of what our moral communities can tolerate. This project aims to address the meaning of those terms, and to suggest that when we describe an act or a person as "inhuman" or "beyond the moral community," we may do so literally. In order to address the sincerity of the evaluation that someone or some act is outside the moral sphere, we must have a clearer understanding of what binds us together in the moral sphere.³⁶ In that effort, we will return to our question about what we demand of others when we hold them responsible, and what needs our demands express.

Interpersonality

Though Strawson furthers our discussion, his characterization of moral responsibility as constituted by our reactive attitudes leaves open the questions with which I began this chapter. If I, as a moral agent, express through my reactive attitudes a demand of you, a creature I take to be a moral agent, why do I suppose this is the act through which you become responsible and through which my relationship to the harm done to me changes? Why do I suppose that expressing my demand of you is substantially different from expressing to the sky my need for rain? That you are a receptor for my meaningful noises is not enough to create the current between us that makes our relationship one in which your causing me harm is different from a tree-limb

³⁶ It should be clear to the reader by now that by "moral community," "moral sphere" and "moral domain," I do not mean a community bound together by particular sets of laws, codes and customs, but rather, the community Havel speaks of, that *is* bounded by the normative relationships we find ourselves in with each other merely by being human.

falling on my head. What are you to understand of my response, and how does that *constitute the practice of holding you responsible*? That is, how does your "understanding" (as we have been calling it) provide me with reason to think that I stand in a relation of activity and empowerment, rather than impotence and inevitability, to your actions?

Strawson is motivated by his concern that in our "actual" practices, others to whom our actions matter and whose actions matter to us, are central, and our interaction with them is constitutive of those practices. Traditional treatments of moral responsibility often neglect its inter-personality. The importance of inter-personality is, however, nothing new in ethical discourses.³⁷ After all, Aristotelian virtues, by definition, involve taking the other and one's relationship with the other, into account (both in acting and evaluating action and character.) Recall that it is the inter-personal nature of justice that makes it "supreme among the virtues."

According to Aristotle:

Justice is complete virtue to the highest degree because it is the complete exercise of complete virtue. And it is the complete exercise because the person who has justice is able to exercise virtue in relation to another, not only in what concerns himself.³⁸

The inter-personality of our moral practices often gets lost in philosophical discourses for two reasons. First, as Gaita and Watson's writings demonstrate, acknowledging the inter-subjectivity of the practices that sustain our moral system involves accepting the

possible

³⁷ The literature on recognition and justice in political theory addresses this issue, though from slightly different angles than the one we are taking here. The arena in which agents appear in political theory is already social, already political. More philosophical moral theory often does not address the distinctions between public and private domains of agency, between personal agency and political agency. The literature on recognition is important and helpful, and we will broach it when we speak of Cavell in the final chapter.

^{Ja} Aristotle, 24.

failure of those practices when we most need them. Second, it is exceedingly difficult

to articulate what constitutes this special moral relationship between wrongdoer and victim, what binds us to one another and how that bond may be broken.

I will turn to Michael Thompson's essay, "Relations of Right: Or What it is to Wrong Someone" for help in articulating the sort of interpersonal relationship that interests us. Thompson begins by examining the judgement that it is wrong for a person ("you") to murder another person ("Sylvia"), "on any ordinary prudential ground." He considers murdering her to get into law school, or to save five other people, or under tyrannical pressure. He concludes that:

Your moral relation to Sylvia seems to survive intact in all of these cases; it has a certain robustness; there is, we think, something there. Sylvia and you have fallen into a peculiar nexus which limits your pursuit of objectives of any kind, even the beautiful objectives of charity and the love of justice. The consideration operates pairwise and the rest of the world is, at least to a certain extent, closed out.

You have, as we sometimes say, a duty "to Sylvia" not to kill her. You "Owe: it to her not to kill her. Such language is a bit stiff, but we can put the same point more colloquially. We can say, for example, that in killing Sylvia *you* would wrong *her*: you would do wrong precisely "to" her, or do wrong "by" her.

We, too, are interested in the relationship between a moral agent and another creature (moral or non-moral) that is "pairwise," in which the agent wrongs the victim. Thompson describes this relationship as "bipolar normativity," to which he contrasts "merely monadic normativity." He offers the following explanation and table:

Common sense meditation on our murderous materials thus seems, upon reflection, to trigger deployment of a collection of abstract forms of judgment. These forms of Judgment express what we might call forms of bipolar normativity or forms of relations of right. Counting internal negations as distinct types, we might tabulate them as follows:

X wronged Y by
doing A X has a
duty to Y to do **A**

X wronged y by not doing A
X has a duty to Y not to do A..

I am interested in the form that is, I believe, shared by all of the tabulated judgments, irrespective of the particular heading-and in the corresponding form of fact... In all such judging, whatever the determinate form, I may be said to view a pair of distinct agents, X and Y, as joined and opposed in formally distinctive type of practical nexus. They are for me like the opposing poles of an electrical apparatus: in filling one of these forms with concrete content, I represent an arc of normative current as passing between the agent-poles, and as taking a certain part.³⁹

Formal representations of "merely monadic" judgment look like this:

X did wrong in
doing A
X has a duty to do
A

X did wrong in not
doing A X has a duty
not to do **A**..⁴⁰

In the first set of terms, the wrong is understood with respect to the agent's relationship with the other, and the wrong is to the *other* (and so must be in violation of a normative source that directly relates one to the other). In the second set, the wrong is understood with respect not to a singular, specific person, but to a law, duty or specific action (this involves violation of a source of normativity generated by something other than the mere relationship of the two individuals). To clarify further, Thompson shows us how this distinction is at play in the difference between private law and criminal law. Private law cases are, as he says, "saturated with judgments of our type: 'She's done me wrong,' we say, 'She owes me,' and so forth." Criminal law (identified by Thompson as "institutions of punishment and sanction, not those of

restitution and compensation"), on the other hand, is mostly concerned with monadic deonticity.

³⁹Thompson, 2.

⁴⁰*Ibid*, 5.

The verdict of the jury, "Guilty!," expresses a property of one agent, not a relation of agents. If another agent comes into the matter-if there is, as we say, a "victim"-it is, so to speak, as raw material in respect of which one might do wrong. The position occupied by other agents in the associated legal facts might equally be held by rare birds or old buildings.⁴¹

He cautions us against conflating the two forms of judgment. In this chapter, we want to understand the relationship between victim and perpetrator in which the position of the victim cannot be occupied by any other agent, rare birds or buildings. We want to ask, as Thompson does, about the relationship of bipolar normativity in which the victim of a wrong is "*not just raw materials for wrongdoing, but someone someone might 'wrong,' in one sense or another.*"

Next, we will look to Herbert Fingarette in help articulating this relationship. If

Watson is critical of Strawson's theory because too much is explicitly required of the perpetrator of injustice to hold him responsible, Fingarette might say that Strawson's theory actually requires too little. He proposes an even stronger requisite for the intelligibility and success of moral address-the active acceptance and consent of the other to his responsibility. Unfortunately, the examples and analogies he uses to explain his interpretation of these concepts fall back into monadic deonticity. But one can see in his essay the struggle to articulate how moral responsibility involves bipolar normativity.

Fingarette argues that the kind of understanding we require of those we hold responsible, the binding that fixes us to one another in a moral relationship, essentially involves consent and care. For an

illustration, he begins with the following scenario:

⁴¹ *Ibid*, 9.

Let us, then, try to imagine an individual who knows what he is doing and, specifically, knows how it is considered from a moral standpoint. He is not coerced or under the sway of some powerful passion or intoxicating drug; he intends to do what he does, and he does it. Out of a casual not an 'irresistible' impulse, he sets fire to a neighbor's wooden building. It's a fine spectacle, and he enjoys it.⁴²

Like Harris, Fingarette's Fire-starter (Smith) gives us no apparent reason to suspend our judgment that he is morally culpable for his actions. He is in possession of his faculties. He chooses to do what he has done, and he is not psychotic, retarded, or otherwise mentally incapacitated. As with the Harris case, it is not clear whether we could hold Smith responsible under Strawson's theory. We *do* want to hold him responsible, believe we should, and may initially react thusly, but since he already "knows what he is doing," it is unclear that our expressions and demands would reach their "point" in a moral self. Our reactive attitudes seem to have nowhere to be meaningfully received, and yet, we persist in thinking Smith is morally wrong and should be held morally responsible.

Fingarette boldly asserts what Watson assumes to be implausible: that we cannot, in practice, clearly hold those like Smith and Harris responsible, no matter what our theories of moral responsibility say: "Is he morally responsible for what he has done? Not necessarily. It is clear that, at least in certain kinds of cases, the ascription of responsibility is either dubious or inappropriate." Why? Fingarette goes on to say,

The individual is, by a certain age, expected to accept responsibility. And this acceptance is manifest-if it is genuine-in care (or concern), that specific kind of care which is peculiar to moral responsibility. There are many marks of such

⁴² Fingarette, 59.

concern: inner moral conflict, self-restraint, remorse, guilt, as well as its more direct expression in taking care of that which one is responsible for.⁴³

When a person does not have this care, does not accept responsibility, then, Fingarette says, we cannot hold him responsible. He also admits that this not is easy to swallow.

Of course, a 'tough-minded realist' would take the view that we do not have to wait upon Smith's accepting moral responsibility for what he does. What an easy way out that would be! Unless Smith has one or another of the acceptable sorts of excuses, he is responsible for what he does.

No doubt the 'tough-minded' case is plausible; but I take issue with it. I maintain that, were we to be convinced Smith really had not accepted moral responsibility, that he really did not care in the appropriate way, we would neither in justice nor in fact hold him morally responsible.⁴⁴

We should now ask, as Fingarette does, what is it to "care in the appropriate way"? What counts as accepting responsibility? What counts as refusing to accept responsibility? It does seem that certain people, who cannot be excused from responsibility for any of the traditional reasons, can't be held responsible simply because they don't accept responsibility. Part of acknowledging the essentially inter-subjective nature of the practices that sustain our moral relations, even if we have yet to arrive at a good description of what binds us in those relations, involves recognizing this.

I agree with Fingarette that responsibility requires something active, like (but not identical to) acceptance, from the responsible party. I also agree that sociopaths cannot properly be held responsible. **As we will** see, there are still other, more problematic

and illuminating characters and actions that stymie our moral practices. Once we concede

⁴¹ Ibid, 60.

⁴⁴ *Ibid* 61.

Fingarette's point, some acts of cruelty, particularly benevolent cruelty, will present

us with complicated questions about the exact point at which our efforts to hold someone responsible really do fail, and why. For now, will see what light Fingarette sheds on the "care and concern" that mark those who do accept responsibility.

"Care and concern," when they appear as requisites for moral responsibility, typically refer to the sort of general benevolence towards one's fellow man of which Hume and others speak. We have seen the burden of this requirement on characterizations of the normative dimensions of "humanity." It is burdensome in so far as it expects something of human nature that is neither sufficient nor necessary to explain primary normativity. It is not necessary insofar as we *do* hold one another responsible, successfully, most of the time, despite the fact that history and personal experience may provide little reason to believe in natural goodness of the required sort. Natural benevolence is insufficient for reasons we have already discussed: an agent can violate humanity (and as I will argue shortly, the conditions for attributing responsibility to him) in the presence of such good intentions, of meaning to do well.

Fingarette does not explicitly critique natural benevolence as a requirement for accepting responsibility. However, what he offers instead leaves the question open to more nuanced interpretations. He uses an analogy of playing a game to characterize the sort of care necessary for moral responsibility. When one's heart is in the game,

there are stakes to win or lose. One cares what happens, and is deeply invested:

We have all had it happen to us...to try to "get up" a game with someone who, at least at the moment, happened to be uninterested and unwilling. We coax, wheedle, threaten, bribe. Reluctantly, he accepts our invitation. The game commences, and soon we notice that something is missing. He is not "really

playing." He is not playing for all it's worth-indeed, it does not seem to be worth anything to him... He does not care...His heart is not in it. He shows no sharp regret at losses; there is no triumph at wins; he can neither risk nor sacrifice, for the stakes are obviously of no value to him...The fact is, as we see by his not caring, he never really accepted our invitation to play in the spirit in which it was tendered. He is not really playing the game we want to play, but a formalistic parody of it. The game itself becomes pointle .⁴⁵

The analogy is supposed to show us that the sort of care that characterizes the acceptance of responsibility is like the sort one exhibits when one plays a game responsibly-one's whole self is invested in it. There is an engagement with the other players such that their actions matter to you and yours matter to them. The differences between this notion of "care" and one that relies mostly on benevolence are subtle but crucial. When playing a game responsibly, one is supposed to have one's own interests at stake-if not, one is not really playing the game. Whereas, benevolence is measured in large part by one's willingness to take on another's interest at the expense of one's own. Part of what joins one participant and another in a game is that they each recognize the stake the other has in it for himself. Without my opponent's intense self-interests, he is not really in the game, is not a good partner or opponent for me. Acknowledging that what makes the game worthwhile to me involves its worthwhileness to you is appealing: it values the conjunction of personal-interest and concern for others that should resonate with proponents of democracy.

Clearly, however, this analogy doesn't map onto moral relationship without

further clarification. And the reader may be tempted, as Fingarette warns, to dismiss it

⁴⁵ *Ibid*, 68.

on the grounds that moral life is not a game; there are life and death consequences

to our participation, and we can not simply choose to play.⁴⁶ I suggest, however, that in some respects, it is a very appealing analogy. How so will become clearer when we answer more specifically what demands holding responsible is supposed to satisfy and why they are part of the human form of living. I will offer the preliminary suggestion that in order to inhabit the normative dimension of "humanity," to be morally responsible, part of what we must understand is how the life of the creature in front of us (human or otherwise) matters to it, what makes it a flourishing one of its kind. Similarly, seriously playing a game requires respect for one's opponent, finding his successes invigorating; his flourishing, though in direct counter-point to your own, a source of energy that further unites you in your connected, but separate goals. True gamers, the sort Nietzsche praises, find joy in their opponent's vigor and success. A relationship based on this kind of care seems distinctly different from one of benevolence, or even from the general regard for others that Strawson, Watson, and others require. Just as a good game requires the players to understand the importance of the game to each of them, good moral participation requires that the agents understand and care about how life matters to each of them, what makes them flourish.

There is, however, a danger with Fingarette's analogy as it he

leaves it, especially since he seems to offer it as nearly his whole exposition of "care." It is difficult to retain the inter-personality and inter-subjectivity of moral relations once we disregard natural

⁴⁶ Watson and Gaita have argued that **we** *should not* leave participation up to the perpetrator. But the problem may turn out to be that it is simply not up to us to decide whether or not he can shake off our moral reins.

benevolence. Natural benevolence is supposed to have connected one agent and other in a moral relation—it is what we demand in our reactive attitudes, what could have filled in the substance of the "current" of bipolar normativity. It makes sense as the sort of binding that fixes us in a direct, immediately interpersonal moral relationship with one another. If we leave aside natural benevolence and continue with the game analogy, we risk losing the other-orientedness Strawson and Thompson showed to be so important.

Suppose, for instance, that I am an ardent Monopoly player, pounding on the table when the roll of the dice is one short of getting me to Park Avenue. I satisfy the conditions Fingarette outlines for the sort of care required in being responsible. I diligently follow my opponent's moves, count my money, and strategize. But I am invested only in the game itself, not in my opponent. If my opponent must go home for dinner, leaving the game early, I simply replace him with another recruit of equal prowess. There is no loss to me, no difference to me, so long as the game continues, since the game is what I care about, not the particular players. Or suppose, as in Fingarette's scenario, I beg, plead, and cajole a person to play with me. Suppose he agrees wholeheartedly, and with great gusto the game commences. But then, suppose that my playmate waves his hand, abruptly dismissing me and inviting someone else to play in my stead. His care for the game is authentic, but something crucial is missing: his care to *play it with me*. That, after all, is part of the meaning of my request to

"get up a game." Now, it seems that the care demonstrated by

Fingarette's game player is analogous to the moral agent's care for the rules and regulations of moral responsibility,

for participation in the moral realm as such, not for the other participants, directly. Fingarette appears to miss what the one who has asked to "get-up" a game has really asked for, and thus what the half-hearted player is really half-hearted about. We expect the other person to have enthusiasm not just for the game, but also, for *playing the game*

with us. Fingarette has fallen into requiring only monadic deonticity. It appears that we

still have not discovered what we need of the one who we hold responsible or what could satisfy this need.

At this stage of the discussion, and for Fingarette's purposes, the more powerful aspect of his game analogy is that it clearly reveals the position we are put in by playing a game with an uncaring participant. We are dependent upon him for his investment. In a game, as in moral responsibility, we may, as Fingarette notes, scream, cajole or demand that the other care. And the other may refuse altogether, or refuse to care in the right way. Fingarette acknowledges that many will want to object that moral life is something in which we have no choice but to participate in, saying, "Are there not certain moral responsibilities which are ours, certain things for which we must be held responsible whether we happen to care or not?"

We may want to say, "of course!" And continue to insist, as Gaita and Watson do, that we simply must hold capable people responsible for their actions, especially when they shirk that responsibility, but satisfy none of the excluding conditions. The

success of many of our moral codes rides on their normative claim over us irrespective of our immediate wants or desires for them to. Though Fingarette acknowledges that it is reasonable, and at times irresistible, to insist that we hold fully capable human adults

responsible, even if they refuse, or otherwise deflect our demands,

he asks if our insistence is grounded in reality, or merely in panic:

Is the moral engine idling here, turning, racing ever more furiously just because it is unimpeded by the friction of reality and the work-effort of actual use?

...If an individual will not play a game with us, we can still fall back on the intelligible framework of everyday life outside that game. But what if he will not enter life's fray itself in the spirit in which we enter it? To face such a person, such a reality (and not merely to think of it) is to experience a deep anxiety; a queasy helplessness in our soul.⁴⁷

Fingarette's examples challenge us with the possibility that we may not be able "to do something" about moral wrongs. We may not stand in a relationship of activity and empowerment with respect to harm caused by capable human beings. Moreover, they illustrate that we are dependent on the other's participation in the moral game for our sense that there is a distinction between moral harm and natural harm. It is important to note the fragility, as well as the power of this distinction so that we can see clearly the vulnerability attacked by cruel acts. We will return to this shortly.

Let us note, however, that it is imprecise to say that one is exempt merely because one chooses to be. A man, like Harris or Smith, who refuses to accept responsibility for his actions, does not thereby immediately fall into the category of those whom we can't hold responsible for legitimate reasons. In the scenarios that concern Watson and Fingarette, the perpetrator is responsible for refusing to accept responsibility. Or rather, the perpetrator is guilty of this heinous moral violation, in *addition* to the particular crimes he has

committed and for which those in his community seek to hold him responsible in the first place. That is, he has violated the conditions for participation in

⁴⁷ *Ibid*, 70.

the moral realm, the conditions under which he could be held responsible for his actions. This is different from doing something wrong and being exempted from the conditions of responsibility for it. It is a moral failing in its own right. But Fingarette does not offer us a way to understand this third category of those who resist our efforts.

Extending the Normative Domain of Humanity

To complicate our investigation even further, we should remember that the domain of bipolar normativity can be, as Thompson says, "shifted into various gears, or sung in various keys." That is, there are many types of relationships governed by bipolar normativity. These relationships are not, as he points out, exclusively determined by the

fact that the pairs *of* creatures in question also share some legal, moral or cultural order. We stand in a relation of bipolar normativity to another because we share the form *of* living of human beings, for whom, being in such a relation is a defining characteristic. As some instances of ordinary and benevolent cruelty reveal, an agent may offend the practices for establishing responsibility without having committed any particular moral or legal crime. Acts of cruelty may even be legally sanctioned, or perpetrated against creatures who have no moral status or who are not considered part of the moral community, or who are part of a different community with different

rules, laws and practices (Montaigne and Plutarch offer many such

examples). The concept *of* "bipolar normativity" allows us to describe a source of normativity that can be violated even when no laws, codes or customs are shared by the perpetrator and victim, or when the act in question violates no explicit law or duty.

Thompson spends a great deal of effort describing the normative relations of human beings to one another, in virtue of being one among other human beings. He says,

There is...the view of Aristotle and St. Thomas and lately, I think, of Philippa Foot, that justice is a "natural" virtue, a "natural" excellence: it is something that makes a human being in certain respects good or excellent or sound *as a human* being—that is, as a bearer of the particular life form it bears. The formation of the associated type of representation of others as "others," or as persons—the comprehension of "oneself" as "one among many" after the manner of our heroine—would on such a teaching be accounted an aspect of sound specifically human development. It is to be compared—but also of course in many ways contrasted—with the mastery of a language (of some human language) or even with the formation of eyes and optic nerves, and the parts of the brain that figure in, say, the recognition of human faces. The individual human is seriously damaged, as a human, if it lacks any of these things. Human action and life, detached from the peculiar representation of oneself as "one among many" that is characteristic of the just agent, might on such a view be compared, at a rather high level of abstraction, to the "movement" of a detached frog's leg.⁴⁸

So far, we have been working with examples of extra-ordinary cruelty, and have investigated the ways in which extra-ordinarily cruel acts disturb the core of our moral practices by undermining our practices for holding wrongdoers responsible. These cases nearly always involve the violation of moral or legal codes. It seems appropriate to claim that when one participates in large-scale cruelty and violates major moral or legal duties, one's actions threaten the core of "our moral practices."

Often, as we have seen, perpetrators of ordinary or benevolent cruelty do not appear as malicious villains that one is tempted to

"shoot in the street like mad dogs," not as the sadistic or tormented

soul who laughs in court, or blows a kiss to his victim's

⁴³Thompson, 19.

family. Rather, they appear as the bullies who tormented Rufus, as well meaning, paternalistic racists, as devoted doctors, scientists or hunters, or as those to whom the victim's responses simply have no meaning at all, in which the point of being a social creature, with complex tools for communication, negotiation, reconciliation, is moot. Our description of the normativity violated by cruelty must reach all of these possibilities. In light of these diverse configurations in which bipolar normativity operates, it may be useful to speak of the "responsiveness" of the perpetrator to the victim, rather than the victim's ability to hold him responsible, as that which establishes his humanity and moral agency.

The interaction between creatures (at least one of whom is a moral agent) in which the responsibility of the perpetrator is supposed to be established, involves the response of the victim and the responsiveness of the perpetrator.⁴⁹ The perpetrator's responsiveness to the victim (no matter what sort of creature the victim is) is a quality necessary for his engagement in "humanity." Being morally important is one of the critical aspects of adult human beings' form of living. They engage it through their responses to injustices they cause and those they suffer. Acts are cruel in so far as they turn what should make the creature flourish against it; cruel acts threaten the integrity of the moral domain in so far as they undermine the practices that reveal and establish our

⁴⁹ Instances of cruelty against non-moral agents may or may not bear this characteristic (which is not to say that someone may not be held responsible for

his actions against a non-moral agent, but cruelty to a non-moral agent isn't defined by the victim's ability or inability to do so). As the reader knows, there are many acts of cruelty carried out against creatures, human and otherwise, in which the victim's attachment to the moral sphere is not relevant-though the perpetrator's is. Cruelty to anyone or creature who is not a moral agent cannot be understood only with reference to the ways in which it undermines attempts to hold the perpetrator responsible. It may, however, be understood with respect to the perpetrator's responsiveness to the victim: responsiveness to the victim (no matter what sort of creature he is) is a quality necessary for his engagement in "humanity."

moral importance as human beings, which as we will see, lies in our responsiveness to another creature's form of living.

As Thompson shows, the moral sphere with which we are concerned, the normative dimension of "humanity," extends deeper than particular moral and legal sources of normativity, binding us to one another as human being qua human being, as "one among many." The practices associated with this domain are inextricable from our form of living and are necessary for our flourishing; through them we engage and confirm (or deny) the moral importance of being a human being at all. Offenses in this domain are offenses against the form of living for human beings. Ordinary cruelties challenge the core of our moral practices by inhibiting the aspects of our form of living that contribute to the moral meaningfulness of our actions.⁵⁰ Our responses to harm are central aspects of our life-form (and the life-form of all sentient creatures); they are necessary for our flourishing. As potential perpetrators, our responsiveness to the victim's responses is equally crucial, giving meaning to the distinction between natural and moral horror on which our moral sphere is based.⁵¹

⁵⁰ We will see this fully only when we understand how the moral importance of being human derives from our form of living as human beings. Thus, the bullies are cruel to Rufus in part by violating the rules that enable social development and discourse. These are not moral codes, but codes imbedded in the form of living we

share as human beings. They are morally important because they are important to our flourishing as human beings.

H Strawson and Fingarette's work make it apparent that we expect wrongful moral agents to be responsive to the victim's responses, which generates, somehow, a current of responsibility.

Description of Cruelty Revisited: The victim's Response

In the proceeding examples, I will focus less on the success or failure of holding a perpetrator responsible, and more on the ways in which the cruel perpetrator undermines the victim's responses, turning his form of living against him. I have claimed the ineffectiveness of the victim's response is a defining characteristic of cruelty and we must account for it if we are to see the extremity of cruelty. As discussed previously, the victim of cruelty is not usually impotent to respond: rather his responses are impotent with respect to doing the work we expect them to do. In Strawson's terms, it is as though our reactive attitudes are meaningless when they shouldn't be.

First, I will look to Primo Levi's "Force Majeure." "Force Majeure" is a compact, perfect illustration of ordinary cruelty: of the profound dis-ease caused in the moral domain by turning an agent's capacities to respond to what is being done to him against him. It is not irrelevant to our purposes that this story can also be read as metaphor for the extra-ordinary persecution, and indescribable horror of Hitler's Germany. The echo of the extraordinary cruelty in the ordinary furthers our point (and points to the ordinary cruelties that often compound extraordinary ones).

In the story, there is no egregious crime, no real physical damage, but the victim is forever changed by his experience of the impotence of his own humanity to engage that of another, capable adult human being. The story begins with M. on his way to an

appointment at the library. He must pass through a narrow archway.

I will quote excerpts of the rest:

Its pavement was cobbled. M. entered it, and when he had gone halfway down it he saw a husky lad in a T-shirt, perhaps a sailor, come toward him. He was

disturbed to notice that there were neither niches nor doorways: even though

M. was slim, when they would cross he would be forced to make a disagreeable contact. The sailor whistled, **M.** heard a bark at his back, the scraping of claws, then the panting of the excited animal: the dog must have squatted down to wait.

They both advanced until they came face to face. **M.** moved close to the wall to free the passage, but the other did not do the same; he stopped and placed his hands on his hips, completely obstructing the path. He did not have a threatening expression; he seemed to be calmly waiting.... He [**M.**] took a step forward, and at that the man put his hands against the walls... the Sailor made a gesture with both his palms turned down, as though he were stroking a long back or calming the waters. **M.** did not understand; he asked, "Why don't you let me go through?" but the other answered by repeating the gesture. Perhaps he was mute, deaf, or did not understand Italian: but he should've been able to understand, the question was not that complex.

Without warning, the sailor slipped off **M.**'s eyeglasses, stuffed them into **M.**'s pocket, and delivered a punch to his stomach: not very hard, but **M.**, taken by surprise, backed up several paces...He drew back a few steps, got up speed, bunched up in a ball, and rolled against the sailor's sturdy legs. The sailor lowered a hand, only one, stopped **M.** without effort, grabbed him by one arm, and lifted him to his feet...then he again made the same gesture. **M.**, who had until then lived a normal life strewn with joys, irritations, and sorrows, successes and failures, perceived a sensation he had never experienced before, that of persecution, force majeure, absolute impotence, without escape or remedy, to which one can react only by submission.

Suddenly the sailor caught him by the shoulders and pushed him down: his strength was really extraordinary, and **M.** was forced to kneel on the cobbles, but the other continued to push...**M.** found himself sitting with his arms propped behind him...Slowly, with convulsed and useless attempts and resistance, **M.** found himself leaning on his elbows, then stretched out...

So that was the meaning of the gesture, **M.** thought: the sailor wanted him lying down...The man ...took off his sandals, and, holding them in his hands, prepared to walk along **M.**'s body as you walk down the balancing beam in the gym...

M. got to his feet, put on his glasses, and straightened his clothes He set out for his appointment, knowing that he would never be the same man as before.⁵²

There is no apparent reason for the Sailor not to respond to **M.**, nor is there any apparent reason for his walking over him. He does not seethe with malice, does not rob

⁵² Primo Levi, *The Mirror Maker*.

him, nor does he even cause real physical damage-he doesn't even leave shoe prints

on M.'s clothes. It is clear that the Sailor does not share in the interchange of reactive attitudes Strawson's theory requires for establishing responsibility. He is not an interlocutor of any sort, much less a moral interlocutor. However, we have no valid grounds to exempt him from moral responsiveness. **M.** tries to engage with the Sailor, first by moving aside, so that they could both pass, then asking him why he won't let M. through. The Sailor is aware of M.'s question, but he does not acknowledge it by responding to it. Rather, he gives an unintelligible command for submission. **M.** attempts to resist, but the Sailor uses it to further humiliate M., stopping his charge with one easy hand and pushing him to the ground. This story illustrates that total power of one human being over another does not require a spectacular display of extra-ordinary force, power or malevolence. It requires the subtle undoing of our primary sources of normativity. "Force Majeure" is particularly illustrative for us because Levi has isolated the moment critical to cruelties of all sorts, confining his example to two functional people, face to face, cordoned off from the rest of the world, "pairwise." All they have to rely on in that moment is each other and the tools individuals use to navigate their relationships with one another. Levi has even stripped his example of cruelty of lasting physical damage or even physical evidence of wrongdoing, of clear legal wrongs, and major moral violations. **M.** comes face to face with another human being as a "force majeure," thus threatening the

divide between natural misfortune and moral injustice on which our moral sphere is based.

We should note that the Sailor does not appear to be refusing to participate

in social rules and customs, at least of civility. Rather, he appears to be using them as the means to make M.'s response to him ineffectual and to further his humiliation-just as the bullies do to Rufus. In fact, his every effort seems to aim to make M.'s responses meaningless. He hits M., but not even enough to even hurt him. It is a gentle punch. Before he asks for utter submission, he carefully removes M.'s glasses, placing them in M.'s pocket. Before walking over him, as if he were another layer of brick on the street, he removes his shoes, as one would do when entering the house of someone one respects. These are marks of civility, of adherence to the rules of civility.

In this scenario, rather than mitigating the humiliation of M., these polite, civil actions further his humiliation. They indicate that the Sailor is well aware of how people should behave towards one another, he is not to be discarded from the moral sphere on the basis of either incompetence or monstrosity. Nor could we say that he refuses to "play the game" of civility. He is playing; he is clearly invested. But his investment here is not the condition for his acceptance of responsibility, rather it is the condition for the success of his cruelty, for the annihilation of M.'s power to respond effectively to what is being done to him. There is, as M. says, nothing he can do about his suffering. Any response he makes appears to further it. The cause, however, appears to be exactly that

sort about which we, in the moral domain, think we can do something.

Is there something about the world M didn't know that the interaction with the sailor has taught him? Perhaps, it could be argued. But could he have gone on living and flourishing as a human being among human beings under the weight of that knowledge?

It is not his naivete about the world that is the source of his suffering and the Sailor's power over him. For, what could any one have told him? Or rather, what could one have told him that wouldn't have amounted to a version of a reenactment of the cruelty the Sailor put him through? I suggest that is was precisely M.'s understanding of the world of human beings that enabled the sailor to harm him in exactly the manner he did (his understanding, for instance, that when crossing someone down a narrow path, politely stepping aside is appreciated and will facilitate the progress of both parties. Or, that strangers may seek to hurt him or to subdue him for his money, or out of psychotic rage, but do not seek his absolute submission for no reason at all.)

If the victim of a moral wrong is able "do something" about it, this is because his relationship with the perpetrator is defined in part by their interconnectedness, in which there is the possibility of his inspiring the perpetrator to do *differently*. "Doing something" about moral wrongs involves the participation of the one causing the harm. If being able to do something about moral wrongs is a defining feature of them, then it is a defining feature of human life, and thus, so is the participation, the responsiveness in this effort, of the perpetrator. Were M. to have supposed otherwise, he would have to have supposed that he did not live among human beings, or that there is no difference between natural misfortune and injustice. In the final chapter, we will explore this in greater detail.

Articulating just how an agent who refuses to

participate in the moral
community can be in moral violation is tricky. We agree that our
practices for holding and being held responsible are critical to the
moral domain. They are the practices by

means of which we see that (and how) we stand in normative relations with each other and through which we establish a difference between natural misfortune and injustice. So, if our involvement in these practices is a matter of our acceptance of them, then it appears in rejecting them, we eject ourselves from the moral community and discard the normative claims of being in that community.⁵³ If this were indeed the case, then it would seem we have no normative grounds on which to claim that rejecting responsibility is a moral violation. The agent who does so is outside of moral jurisdiction, and no more an appropriate object of our moral responses than a detached frog's leg or a falling tree-limb.

I suggest that instances of cruelty of the sort perpetrated by the Sailor force us to describe the normative dimension of "humanity" with concepts first, that immediately relate the moral agent to the other (his victim or potential victim), and that, therefore, fall under Thompson's description of "bipolar normativity," at least when both parties are human. Second, these concepts must be understood as imbedded in the form of living of human beings, generating their normativity from their necessary relation to our conception of flourishing human life. Only concepts that satisfy these two conditions will aid in articulating the two most troubling aspects of this scenario. One, the nature of the Sailor's violation of M. (which otherwise, seems inarticulable since no he commits no real crimes, and merely listing his petty incivilities doesn't explain how they

changed M.

⁵³ Though laws are part of the moral sphere, it is clear that one can not choose to be subject to them, so long as one is considered legally responsible. But I take Fingarette's point here to be that even if the perpetrator has violated a law, and is prosecuted and held responsible under the law, if he refuses to accept responsibility in the appropriate way, then sending him jail, fining him, or even executing him, become empty formalities.

forever.) And two, the way in which the Sailor's rejection of practices essential for moral exchange is itself some thing that rightly ignites our outrage (even if we could not successfully hold him responsible for it).

Fingarette and Strawson help us understand the deep anxiety and sense of helplessness we feel in the face of certain kinds of injustices and perpetrators. They have not, however, taken us past our initial questions concerning what a responsible agent should understand or care about and how to characterize what binds us to one another in a relationship of responsibility. It is insufficient to understand the Sailor's injustice as a lack of understanding, general regard, commitment, or the refusal to participate. We need a concept that describes the primary source of the normativity of humanity as one

we cannot refuse without disfiguring ourselves, to which we are attached because of the sorts of creatures we are.

Benevolent Cruelty

I have objected to Strawson's reliance on natural benevolence, understanding and general regard for the other's well-being, because, as we saw, these terms, which seem not to demand too much in theory, actually require that a responsible party be a potential moral interlocutor. In Fingarette's terms, moral responsibility requires the acceptance of responsibility, and care of the other. I have objected to

his notion of "care," because though it supplies a notion of commitment that appears to bypass the pitfalls of requiring benevolence, it misses the inter-personality of our normative sphere. In order to understand my objection to a theory that relies on the benevolence of the

other, such as Strawson's, and to a theory such as Fingarette's, which relies on the commitment of the other to participate in the moral community, I will revisit one type of benevolent cruelty.

We will see that perpetrators of benevolent cruelty pose a very different sort of challenge to theories of responsibility than the standard malicious villain. I argued that "cruelty" marks an action as being beyond further explanation, as extreme in so far as it represents what is farthest from the moral center. Since we have argued that the center of our moral practices are those interactions in which we establish moral responsibility, the responsiveness of the perpetrator, and confirm the moral importance of being human, then even acts that I have classified as "benevolent cruelty" should unsettle those practices. Perpetrators of benevolent cruelty are, however, not malicious, uncaring, or uncommitted to the moral community. If we are, indeed, convinced that they are benevolent, caring and morally committed and also that they undermine our moral relationships, then our moral relationships must be based on some other, yet to be articulated, demand and expectation. First, we must show how such instances of cruelty undermine our moral practices by either thwarting our efforts to hold perpetrators of it responsible, or by turning the aspects of the victim's form of living against him.

I have already suggested that certain forms of pedagogy qualify as benevolent cruelty. Let us examine how certain instances of it undermine the moral import of the victim's responses and trouble our

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ideas of moral responsibility. The perpetrators in the following
examples are parents, doctors, educators and other caregivers. In
FoT YouT Own Good, Alice **Miller** examines the pedagogical practices
outlined and advocated in

child-rearing pamphlets and manuals from the 17th and 18th centuries.

The texts she excerpts and analyzes were widely read by caregivers wanting to take better care of their charges. Miller's concern as a psychoanalyst is primarily with the consequences of certain pedagogical practices, particularly with the roots of violence, as her subtitle suggests. Though my goals here are different from hers, she provides an illuminating account of how well-intentioned parenting can turn the aspects of a child that should make him flourish, into a source of his suffering and his degradation.

According to **Miller**, the damage of what she calls "poisonous pedagogy" is

especially pernicious for the following three reasons. First, children are totally dependent on their parents for their survival and development. They cannot escape, and naturally love those who take care of them, even if that care is manifested through violence, oppression and cruelty: "...their tolerance of their parents knows no bounds." Second, the child is initially incapable of perceiving the cruelty being done to him, and part of the training of "poisonous pedagogy" is to disable the child's defenses and self-awareness, so that he will never perceive it. She says, "The love a child has for his or her parents ensures that their conscious or unconscious acts of cruelty **will** go undetected,"⁵⁵ thus ensuring the malignancy of the repressed trauma that continues to damage the development of the child well into adulthood. Third, these techniques systematically

⁵⁻⁴ Miller interprets advocates of "poisonous pedagogy" as motivated by the repressed trauma they suffered as children. However, she does not doubt the goodness of the parent's intention. She says, Of Dr. Schreber, whose work she examines, she says, "Dr. Schreber doesn't realize that what he is in fact attempting to curb in children are his own impulses, and there is no doubt in my mind that he is recommending the exercises of power purely for the child's own good." P.6

⁵⁵ Miller, 4.

destroy the child's ability to defend himself against not only parental cruelty, but also cruelty perpetrated by any authority figure. She notes, "Children raised in this manner frequently do not notice, even at an advanced age, when someone is taking advantage of them as long as the person uses a 'friendly' tone of voice."⁵⁶ These child-rearing practices

are not only cruel in themselves, but also condition the child to grow up to be an adult victim of further injustices. We need no elaborate arguments to prove that part of an adult care-givers form of living is to help the child flourish, become independent and able to take care of himself. Clearly, any treatment of a child that results in his inability to perceive and defend against future harm is cruel.

The goals of these experts are to better the child spiritually, emotionally, intellectually and above all, morally. Miller quotes the following passage written *by* J. Sulzer:

As far as willfulness is concerned, this expresses itself as a natural recourse in tenderest childhood as soon as children are able to make their desire for something known by means of gestures. They see something they want but cannot have; they become angry, cry, and flail about. Or they are given something that does not please them; they fling it aside and begin to cry. These are dangerous faults that hinder their entire education and encourage undesirable qualities in children...Therefore, I advise all those whose concern is the education of children to make it their main occupation to drive out willfulness and wickedness and to persist until they have reached their goal. .. It is always our main purpose to make children into righteous, virtuous persons... ⁵⁷

To make children righteous and virtuous, texts like the one above

explicitly direct care- givers to stunt or annihilate nearly all of the traits necessary for a child to flourish:

⁵⁶ *Ibid*, 6.

⁵⁷ *Ibid*, 11.

biological aspects, such as crying when hungry or hurt, as well psychological, intellectual, emotional and spiritual aspects. They aim to stamp out a child's sense of self, awareness, empowerment, the expression of anger, pain, desire, and natural curiosity.

Sulzer advises that parents instill in their children, from the moment of awareness, "a strict obedience to parents and superiors and a trusting acceptance of all that they do." J.G. Kruger recommends the following:

If your son does not want to learn because it is your will, if he cries with the intent to defy you, if he does harm in order to offend you, in short, if he insists on having his own way: Then *whip him* well till *he cries so: oh, no, Papa, oh no!* Such disobedience amounts to a declaration of war against you. Your son is trying to usurp your authority, and you are justified in answering force with force in order to insure his respect, without which you will be unable to train him. The blows you administer should not be merely playful ones but should convince him that you are his master. Therefore, you must not desist until he does what he previously refused out of wickedness to do.⁵⁸

The cruelty of these devises is clear.⁵⁹ Some of the texts Miller quotes actually describe their pedagogy in very nearly the same terms I have offered as a description of cruelty. Here is a description of the pedagogy by an advocate of it:

Discipline is, as Schleiermacher puts it, life-inhibiting, is at the very least a curtailment of vital activity...Depending on the circumstances, however, it can

^{s 8} *Ibid*, 15.

^{s 9} **We** do, however, need to distinguish necessary and good training of children from cruel pedagogy. Certainly much of child rearing involves the curbing and re-directing of their impulses and desires, for their development and safety-it is

necessary for their flourishing that they learn to do delay the gratification of their desires, to do things they do not want to do, to not to hit their siblings, defecate in their clothes, or eat only macaroni and cheese, etc. This cruel pedagogy described above stifles the very life of the child-as opposed to pruning it for future development.

also mean restraint; in other words, partial suppression of enjoyment, of the joy of living.⁶⁰

There is no need to go into great detail or collect many examples. Miller offers succinct analysis of the damage, saying,

If there is absolutely no possibility of reacting appropriately to hurt, humiliation, and coercion, then these experiences cannot be integrated into the personality; the feelings they evoke are repressed, and the need to articulate them remains unsatisfied, without any hope of being fulfilled.⁶¹

In short, the pedagogy of these well-meaning adults uses precisely those mechanisms of response children need to develop into flourishing adults to annihilate their access to a coherent, capable, self; what Miller calls the "true self."

These perpetrators of cruelty show extra-ordinary regard for the ones to whom they are cruel. They are committed and accept responsibility in the sense required by Strawson and Fingarette. Their benevolence and commitment, however, actually serve to hide that they are blind and inattentive to that to which they should attend. The child's relationship to the caregivers here is akin, in many ways, to M.'s relationship to the sailor: total impotence. The perpetrator's responsiveness consists in denying the useful and good responses of the child. Though they speak, quite passionately, of morality and virtue, they fall tragically short of being moral interlocutors on the subject of child rearing. One may be tempted to say they are just ignorant, misguided, or, as Miller does, caught in a repetitious cycle of their own repressed trauma. But of what are they

⁶⁰ Miller, 31.

⁶¹ *Ibid*, 7.

ignorant? Certainly not the psychology of children. Miller remarks about Sulzer,

"It is astonishing that this pedagogue had *so* much psychological insight over two hundred years ago."⁶²

And yet, these pedagogues exhibit a failure of morally important understanding. They are cruel and should not be excused on grounds of ignorance and misdirection, any more than Harris should. It is necessary for our species and our cultures that parents contribute to the development and flourishing of their children, not that they stifle it. These parents are missing something vital and that they miss it is incredibly disturbing to

what morally responsible human parents should and must be-and it is not at all obvious that our practices for holding them responsible would supply for them what they are missing.

We have cleared the path and outlined the normative dimension of humanity violated by cruelty. We have seen that a deep picture of the normative content of humanity bears a significant burden: it must show that the form of living of human beings involves our relationship to the form of living of others in which their responses to our action may alter us and our action. The next and final chapter will try to fill in those outlines with more substantive content.

⁶² *Ibid*, 13.

Chapter Five

THE MORAL IMPORTANCE OF BEING HUMAN

Whatever inspiration is, it's ***born from a continuous "***
don't knot¹.

¹ Szymborska.

We have seen that our distinction between moral harm and natural misfortune, as it appears in our practical responses to each, involves the sense that we are empowered in our responses to the former, and relatively impotent with respect to the latter. We may take action to protect ourselves against the effects of natural misfortune; we build sturdy houses, design vaccines, and extinguish fires, but we don't expect the forces of nature, against which we seek protection, to acknowledge, understand or change on behalf of our efforts. *A-15*

Seneca remarks, "No one in his right mind is angry

with nature."² On the other hand, the intelligibility of our responses of indignation and

outrage to moral harm rests on the possibility of inspiring the harmful agent to do otherwise.

The thinkers I have explored and drawn from tend to eschew, for various reasons, consequentialist moral thinking. And though the (often base) fixation on results of pragmatic considerations may seem ungraceful, at this point in our project, we must contend with a version of such considerations. If we are committed to the idea that our responses to injustice are essentially characterized by the sense that we "can do something," then it will be very difficult indeed to bypass certain consequentialist concerns. The very formulation suggests that what we do, the "something," is morally important in part because of its potential results. We can be flexible, however, in our interpretation of "effectiveness" by keeping in mind the fact that an effective response may be one that does something, one that *has* an

effect, not one that does something in
particular, or has one result in particular.

² Seneca, 50.

One of the activities of any moral system must be to
regulate human

behavior: that is, to affect and direct our actions.³ Therefore, we, as moral agents, must be able affect the actions of other agents, whether through formal or informal means. Equally importantly, we, as moral agents, must be open to being affected and directed by the responses of all the creatures in relation to whom we interact, whether they are moral agents or not. The possibility of being so affected is, after all, what separates us from being merely forces of nature. Responses to moral harm are responses to a perpetrator that seek to inspire in him a response. Perhaps this is one way of understanding what Thompson means when he speaks of bipolar normativity as a "current" connecting both parties. Receptivity to another's responses to perceived harm must realize the pragmatic purpose of the moral system.⁴ Thus, we can now say that moral interchange, the inter-personality of our moral practices, is a relationship between creatures that is characterized by the possibility of one party's responses somehow affecting the other and his relationship to his victim or community. The vitality and effectiveness of the victim's response is inextricably bound to the responsiveness of the perpetrator. Thus, we must investigate further the "responsiveness" of the perpetrator.

³ This *is* not to say that the only way to understand moral issues *is* in terms of social regulation or our moral practices in terms of their efficacy. It is, however, to say that more graceful and lofty moral issues and theories would do well to keep an eye to, as Strawson says, "our actual practices."

⁴In claiming that the perpetrator's responsiveness must "realize the pragmatic" purpose of our moral system, I do not mean to imply that we should evaluate his responsiveness only in terms of the ends it brings about. There are many ways in which we realize the fundamental purposes of our moral system, some perhaps more concrete and satisfying than others. In the following pages, I will lay out more explicit means of evaluating the perpetrator's responsiveness, that is, what we have reason to expect of a human moral agent, and how that agent helps sustain the conviction foundational to our moral practices that there is a difference between natural misfortune and injustice.

His responsiveness must reveal the ways in which he is distinct from non-moral actors, in a morally special relationship with the other creatures in his world, through which, he may be affected and his course of action altered. In short, the perpetrator's responsiveness must reveal some aspect of his humanity, which distinguishes him from the non-moral world, which the victim's response aims to inspire.

We have seen that cruelty is, as Shklar says, "a wrong done entirely to another creature," such that, as Thompson would say, the other creature is the victim, not just the occasion of our wrong doing. Its particular wrongness can only be understood **with** regard to our moral status as human beings, not just as a human being subject to this or that particular set of codes and laws, but to the normativity to which we are subject qua human being. Thus, acts of cruelty, even those that involve no egregious moral or legal violations can be described as violations of humanity. Our struggle, finally, is to capture the normativity to which we are subject as moral agents in general, so that we can account for the peculiar wrongness exhibited by (all the varieties of) cruel acts. Thompson notes that according to Aristotle's account of justice (as well as St. Thomas and Philippa Foot's) as a "natural excellence" it is:

... intelligible to speak of relations of 'moral right' as joining pairs of individuals who share no social practices or institutions nor suffer any one common Bildung....the class of individual 'persons' with whom a just agent is prepared to reckon pairwise will, on this view, at best (I will suggest) be the class of bearers of the nature or life form in questions, the class of all human

beings.⁵

⁵Thompson, "Relations of Right: Or What it is to wrong someone." 19.

We have come to the conclusion that we can understand what cruel acts violate in terms of the relationship of the moral agent to those in his world (not just to human beings, but because the agent is a human being). We have seen that when the victim is also a moral agent, his relationship to moral suffering is characterized by the sense that he can do something about it. This is relevant information to us in our quest to discover the moral importance of the human perpetrator of cruelty. Something about his being in "the class of all human beings" must be relevant to our sense that victims of this perpetrator's acts are in a different position to him than they are to harmful acts of nature.

We have inquired into the expectations and demands the potential victim or moral community has reason to make of a human being qua human being. Benevolence, understanding, consent, and care, have all been suggested as concepts that bind the perpetrator in a relationship to other beings in his world such that his actions against them should be interpreted as distinct from acts of nature. Each one has proved inadequate. In order to discover the peculiar wrongness of cruelty (or to see what cruel acts violate), we must discover a language that captures this specifically human relationship of the perpetrator to others in his world. The reader may object that the characteristics we have examined thus far such as "reactive attitudes," "understanding," "care," and "benevolence," *do* belong to a family of terms that describe a relationship, and as such, should suffice as the language we are seeking. Yet we have seen that these

do not fully describe the normative dimension of humanity violated by
cruel acts.

I will not investigate any further the insufficiency of concepts like "benevolence" and "care." They are certainly morally important. They are important for the attribution of moral agency. They do, indeed, name some attributes we demand of other moral beings; and we reproach one another on occasions of their absence. It is a mistake, however, to believe they will do the work necessary for describing the primary normative dimensions of "humanity." The problem, though, is not with these concepts *per se*, nor, I would say, many of the others offered thus far. The problem is in how we understand those concepts, and is, thus, in some sense deeper.

"Care," "benevolence," and "consent," *do* imply a relationship between the one to whom they are attributed and something in the world. This feature of them is relevant to the relationship between moral agents and other creatures in the world, as is stressed by those like Hume, Strawson, Gaita, and Fingarette. But, as we have seen, these concepts may fail to attach their possessor to the *relevant* thing in the relevant way. We

must attend carefully to the relevant sort of attachment, if "relationship" is to succeed in

the task we have set out for it. Our notion of relatedness must take into account the thing to which we are doing the relating, and in a way that is distinct from that of the above concepts. I will conclude this chapter with some alternative suggestions.

We see now that the question about what counts as "doing something" about moral wrongs is bound up with the question

concerning the basic normative expectations we may hold of a moral agent, merely in virtue of his moral agency, or his

humanity.⁶ The aim of our responses can be characterized in many ways. We have

reason to expect of our responses that they engage in the perpetrator an attitude towards the world in which we figure, and in which our figuring changes his attitude toward the world, or at least, to us. When we figure as part of an agent's orientation to the world, we do so as a creature with a life that matters to it (whether we are also moral agents or other sorts of beings). In the most general terms, we expect from human beings a certain openness, awareness and attentiveness to the life-forms *of* the individuals with whom

they interact, an appreciation of what makes life livable and flourishing for those sorts *of*

creatures, and for the specific one(s) with whom they are interacting.

What responses to moral harm can "do," is to trigger this awareness and openness, inspire the other to acknowledge the ways in which our lives matter to us, make present to the perpetrator the relationship he is in with us, and remind or teach him what makes us flourish or falter. I will argue that, due to the aspects of human lives that make us morally important, the very presence of an other life should inspire this openness and awareness. In this chapter, we are struggling for concepts that reflect this relationship between the

⁶ We may be tempted to say that ultimately, "doing something" about a wrong results in stopping the agent from continuing, or doing it again, or in rectification by the agent. Though this may often be the ideal, it is in the first place unlikely, and in the second place its narrow focus on the outcome neglects the moral character of the exchange. For example, there are many instances in which we can stop a wrong from continuing or from re-occurring by the hands of a particular perpetrator merely by ending his existence altogether. In many cases, however, the cessation of the

perpetrator's life in no way counts as receptivity to our responses that our responses seek to engage. That is, in most cases, merely annihilating the problematic agent defeats the purpose of responding, or doesn't count as the sort of response to injustice that interests us. Simply ending the source of the harm is not sufficiently different from building a dam to stop a flood or putting out a fire. So our ability to "do something" about a wrong is not measured solely by successfully putting an end to it.

moral agent and the other creatures in his world, and for terms that reveal what aspect of the human life-form makes this relationship possible.

I will call the origin of our moral importance a kind of "learning" that characterizes our form of living as human beings, distinct from (what we know of) other living beings. I argue that what we have reason to expect from human beings, insofar as they are morally important, is the kind of learning that opens them to other such that they may be inspired to act by other's responses (or expressions of the other's life-form). This contrasts with arguments that place our capacity for rational choice (and implicitly natural benevolence) at the heart of our moral importance. My suggestion does not dismiss the importance of practical rationality. It simply resituates the nexus of moral being in the immediately intersubjective functions that define human living, and thus, in the intersubjectivity that comprises the most morally meaningful aspects of human life, bringing to light important and primary sources of normativity.

The essential role of learning in the human form of living is not difficult to establish (unlike general benevolence, which we may hope to establish as part of our form of living, but which our history makes us doubt). J.R. Kidd writes, "Human beings seem to seek after learning; learning seems to be a condition of a healthy organism." ⁷

The more difficult task is to establish that the kind of learning that characterizes human life is not only morally relevant, but is one of the

magic ingredients that transforms us from natural forces in the world to moral actors. In order to understand the relevance of human learning to this transformation, we must keep in mind the aspect of morality on

⁷J.R. Kidd, 15.

which this dissertation has focused: morality as an activity occurring primarily

between creatures that generates a relationship in which the

responses of one can inspire the other to act or not to act 'in a certain way'.⁸

Our actions in the world establish relationships wherein our most potent evaluative language gets a purchase and moral practices have real and intelligible effects. Our understanding of our moral concepts and terms needs to reflect the relational activity of real moral engagement-so "learning" must not be understood as a solitary endeavor of the individual for his own edification. Rather, it must be understood in terms of its function in the lives of human beings, as a social aspect of the human form of living which humans need to flourish, on par with group hunting in the lives of wolves and dancing in the lives of honey bees.

To begin, I will follow the path Foot pursues in *Natural Goodness*. There, she understands normative terms as embedded in our human form of living, as per the form of ethical naturalism described in chapter one of this dissertation. She argues that "to determine what is goodness and what defect of character, disposition and choice, we must consider what human good is and how human beings live: in other words, what kind of a living thing a human being is."⁹ Part of her challenge arises from

⁸ I do not mean to restrict all moral interactions to this kind of intimate encounter, nor

to suggest that it is only our responsiveness to the victim's responses to our harm that is morally important. Moral actions can occur over great distances of both space and time and between large groups. I mean to say that the condition for our moral importance can be seen most clearly in immediate and intimate cases, and that the possibility of our responsiveness in these cases shows us what is necessary for our moral relevance in less intimate cases. That is, **we** can only expect moral action from the sort of creature of whom we can also expect the sort of learning I am describing.

⁹Foot, 51.

considerations about the place of practical rationality in human living. She must show that practical rationality, a defining feature of human life, is a natural source of normativity that leads individuals to act with good will. We are distinctly different from other forms of living because we can choose our actions based on reasons; we can ask why we should be good; we can choose to do good or ill; we can be motivated by certain reasons and not others, etc. Foot must show that these special features of human living do not essentially change evaluation of our lives from those of plant or animal life, which provide the model for autonomous species-dependent evaluations.

More controversially, Foot must address "the rationality of doing what virtue demands." The question, she says, "is not whether we have reason to aim at being good human beings, but rather whether we have reason to aim at those things at which a good human being must aim."¹⁰ Her answer, following Quinn and contrasting with Hume, is that acting well is constitutive of acting with practical rationality. Acting badly is contrary to reason once we see "goodness as setting a necessary condition of practical rationality and therefore as at least a part-determinate of the thing itself." In short, then,

No special explanation is needed of why men take reasonable care of their own future; an explanation is needed when they do not. Nor does human cooperation need a special explanation. Most people know that it is, for instance, unreasonable to take benefits and give nothing in return.¹¹

Whether or not we agree in full with Foot's argument, my task is similar, though my protagonist is learning, not practical reason. I must present learning as a natural human

¹⁰ Foot, 53.

¹¹ Foot, 23.

capacity and I must present a cogent argument about the normativity of it that derives from its relationship to our form of living and our conception of human good.

Let me clarify the kind of "learning" in which I am interested first by ruling out what I do not mean by the term. I do not mean the acquisition of information for its own sake. I do not mean the kind of learning of technique or skill that one can ever be complete (as with of a program of study, or the workings of a piece of complicated machinery). It is not instrumental, and it is not the learning of something. What I am interested in, rather, is being in the *stare of learning*. "Learning," as I mean it describes an on going activity: the particularly human orientation to the world, when humanity is at its best. "Learning" is a useful term for the aspect of human living that grounds primary normativity and is the source of our moral importance for three primary reasons. First, it indicates an ongoing activity. Second, it describes a fundamental and organic aspect of human life. Third, the activity of learning takes into account a relation of one to the world outside of one's self, in which the constituents of that world alter the relation. AB Kidd puts it, "Learning means change. It is not simply a matter accretion-of adding

something."¹² Cavell writes, (in a discussion of an entirely different sort, it should be

noted) that "Knowing oneself is the capacity...for placing-oneself-in-the-world."¹³ Placing oneself in a world in which others figure is an ongoing

activity that requires constant vigilance, presentness, and awareness-in

short, learning. For the remainder of this

¹² Kidd, 15.

¹¹ Cavel!, The *Claim of Reason*, 108.

chapter, I will use "Learning" as the umbrella concept under which fall the other relevant terms we will employ (e.g. acknowledgement, openness, wonder, imagination).

Despite the fact that free will is the state that traditionally defines human beings, as I suggested above, learning (as an aspect of the human life-form) is the primary source of our moral importance. In traditional distinctions between man and nature that tout free-will as the defining feature of man, the emphasis is on our choices that make us good or bad, beast-like or angelic. The focus is on whether we choose one or the other and how. One can also see in these writings, however, that the necessity to learn constantly underlies the idea of freedom (and the necessity of choice making), as the distinguishing character of human life. Take Rousseau, for instance. Rousseau sets up the opposition between beasts and men as one between those who are given a nature that will suit it, from which they cannot deviate, and those who are free of such restraints (and bereft of such guidance). Rousseau, along with most others, calls this freedom our (human) free will. We can choose, whereas the beasts must obey their nature. According to him, this freedom may be our advantage, or to our detriment (in his view, most often our detriment). In the *Second Discourse*, he writes,

...Nature alone does everything in the operations of the Beast, whereas man contributes to his operations in his capacity as a free agent...the Beast cannot deviate from the Rule prescribed to it even when it would be to its advantage to do so, while man often deviates from it to his own detriment. Thus a Pigeon would starve to death next to a Bowl filled with the choicest meats, and a Cat atop heaps of fruit or grain, although each

could very well have found
nourishment...if it had occurred to it to try some...¹⁴

¹⁴ Rousseau, 140.

This is an all too common look at how free will differentiates man from

beast.¹⁵ If we look at this scenario slightly askance, however, we see that what has been called man's freedom is, in some sense, man's ignorance. Man is free to chose in part because he doesn't already know how to live. He must try the meat, the grain, the fruit; it appears that, as Plutarch's Gryllus says, "he has not yet come to recognize what is suitable and proper for him."¹⁶ The cat need not try the heap of grains because nature has provided her with instinctual knowledge about what nourishment will enable cat,bodies to flourish and what will not (even if this particular cat starves to death for refusing the grain). Nature has given us no such pre,fabricated knowledge (or very little), and so we are tasked with learning how to be human, which is a never ending task, and which, as such, configures human being as being in a state of learning. Needing to learn is as definitive an aspect of being human as walking upright or acting on reasons-in fact, it is a condition of the latter.

Satirists and theorists from Plutarch to Twain, have often, in one fashion or another, focused on the tragic and humiliating consequences of our lack of natural knowledge.¹⁷ These theorists, like many contemporary moral theorists, focus on the

¹⁵ For another, See Pico's Oration on *the* Dignity of Man.

¹⁶ Plutarch, 991.

¹⁷ Plutarch writes, in "Beasts Are Rational," "In the case of beasts each one is

not only his own specialist in medicine, but also in the procuring of food, in warfare and hunting as well as in self defense...from whom have we swine learned, when we are sick, to resort to rivers to catch crabs? Who taught tortoises to devour marjoram after eating the snake? And who instructed Cretan goats, when they are pierced by an arrow, to for dittany, after eaten which the arrowhead falls out? For if you speak the truth and say that Nature is their teacher, you are elevating the intelligence of animals to the most sovereign and wisest of first principles" (527).

successes and foibles of our choices. One key point to extract from their observations

is that we *must* make choices and we must make choices because we are creatures that must learn as we go, if we are to go at all, which makes us rather anomalous in the natural world. The point is not only that we need to learn this or that thing (to hunt, make vaccines, or follow the stock market); rather, it is that we are creatures for whom learning is our mode of being in the world. I do not mean to say that there is a way of being that is human that we are tasked to learn, I mean to say that the *way of being human* is to be in a *state of learning*.

The next questions are how does this orientation or state of being make us moral? How does acknowledging it enable us to understand violations of humanity like acts of cruelty? The concept of "learning" helps us grasp more deeply the moral importance of being human by explaining our sense that victims (or others in the community) may "do something" about harm or potential harm perpetrated by humans; if the human form of living involves openness, presentness, and the capacity to change based on that openness, then humans are necessarily affected by the existence and responses (in short, the forms of living) of others. Our responses can and must affect each other. Understanding learning as the primary source of the normativity of humanity allows us to see why we have reason to distinguish natural from moral horrors and to respond differently to them.

In the following section, I offer three illustrations of the sort of learning from

which our primary normativity derives. Each one offers slightly different terms and concepts with which to approach the subject and each one will expand our grasp on the

moral importance of being human. As I suggested earlier, I offer "learning" as an expansive category, under which all of the terms and concepts central to the examples below fall.

Acknowledgement

The specific kind of attention and openness we are interested in is directed immediately to the being to whom we are attending, as a being with its own form of living, to whom life matters, and with respect to which our actions are a help or hindrance. It may be characterized by a certain kind of interest, revelation and awe that connects us to the other in front of us, but that also establishes a distance between us, thus preserving the integrity of our individual, distinct forms of living. Cora Diamond writes of those who share her view of "how morality and human nature are related" that,

They take as the root of morality in human nature a capacity for attention to things imagined or perceived: what I think it would be fair to call a loving and respectful attention; W.H. Auden speaks of it...as a combination of wonder, awe and reverence...¹⁸

Our goals are to enrich this line of thinking with examples and terms, to confirm that the capacity described by Diamond is an aspect of the human form of living, and to begin to understand that it is also the primary source of the normativity of "humanity."

In a discussion about skepticism of other minds, tragedy and being human, Stanley Cavell offers "acknowledgement" as the kind of concept we are seeking to describe the orientation to the world that

makes being human morally important.

¹⁸ Cora Diamond, *"Anything but Argument"* 306.

"Acknowledgment" for Cavell is a complicated notion involving the revelation of one's place in the world through being present to oneself in relation to the other whom one is acknowledging.

There are three aspects of Cavell's concept of acknowledgment that we will focus on, though much more of his discussion is also relevant. First, Cavell understands acknowledgment as a current between two people, of the sort Thompson speaks. It requires the revelation of oneself in relation to another, and the revelation of some aspect of another in relation to oneself. It, therefore, reflects the inter-personality, intimacy and inter-subjectivity so critical to understanding the normative dimension of humanity and of violations of it such as cruelty. In "Between Acknowledging and Avoiding," he offers the following summary of his account:

In "The Avoidance of Love," I said that acknowledgement of another calls for recognition of the other's specific relation to oneself, and that this entails the revelation of oneself as having denied or distorted that relation.¹⁹

When discussing the avoidance of acknowledgment that characterizes the inhumanity of racism, he says of the racist (in this case, a slaveholder),

He may know roughly everything about human beings that I know. He might even describe them with subtlety in the romances he composes on lazy summer mornings. What he really believes is not that slaves are not human beings, but that some human beings are slaves. No argument here, is there? Since he has some it follows that there are some. No, but this man *sees* certain human beings *as* slaves, takes them for slaves...but he is wrong. A person of sound mind can feel that this man-this perhaps likeable man, this family man, affectionate with the usual animals and children-must at all

costs be stopped, if he touches you.

¹⁹ Cavell, *The Claim of Reason*, 428.

But if this man sees certain human beings as slaves, isn't he seeing something special, not missing something? What he is missing is something about slaves exactly, and exactly about human beings. He is rather missing something about himself, or rather something about his connection with these people, his internal relation with them, so to speak.²⁰

What the slave owner avoids or denies, according to Cavell, is that "To be human is to be one of humankind, to bear an internal relation to all others." Cavell offers elaborate detail to establish that what the slaveholder gets wrong is not any of the usual suspects: he may not have ideas of virtue, vice, or justice different from the non-slaveholder's. He does not stand awry in relation to the concepts of "humanity," "human being," "slave," or "morality." Rather, Cavell argues, "It could be said that what he denies is that the slave is 'other'; i.e., other to his one."²¹ Further on, he suggests that a symptom of this denial would be in his additional denial that he could ever really be

known by the slave. This is a powerful way of putting it and offers a very different

picture of the denial of humanity than the ones we have previously sampled. Acknowledgement, Cavell says, is expressed "by revealing ourselves, by allowing ourselves to be seen."²² He calls an avoidance or denial of the Slave-holder's sort "Soul-blindness," and repeats Wittgenstein's comment that when he knows another, e.g., acknowledges another, "My attitude towards him is an attitude towards a soul."²³ One of the lessons

of tragedy, he says, is not only to make us face our avoidance of acknowledgement

²⁰ Cavell!, *The Claim of Reason*, 375-376.

²¹ Cavell!, *The Claim of Reason*, 376.

²² Cavell!, *Must We Mean What We Say!*, 333.

²³ *Ibid*, 357.

(which we do for many reasons, and by many contrivances), but also to reveal that acknowledgement cannot be complete unless we make ourselves present to one another by stripping away the dressings of the past, the future, and our fears and hopes, in which we may disguise ourselves or hide.

This brings us to the second point: the connectedness required for complete acknowledgement involves acceptance of the other's separateness from oneself. In making ourselves present, in revealing ourselves, we reveal that, as he says, "I am I, and here." The lesson of tragedy is, or was, he says, to remind us of the limits of our capacities to act when faced with tragedy or suffering, and therefore, to make us capable of acting again. He sees the relationship of audience to characters as merely one of the many configurations we may be in with each other. That is, the relationship of me as audience member to characters in a tragic play is not defined by the fact that the play is fiction, that their tragedy isn't "real." Rather, it is defined by and reveals "my separateness from what is happening to them; that I am I, and here. It is only in this perception of them as separate from me that I make them present. That I make them *other*, and face them." ²⁴

The importance of this for our purposes is that in facing the other as other, we make space for him to be whole, with a whole life of his own, a form of living of his own; his life is as full for him as

ours is for us-whether he is a character, a living person or a

²⁴ Cavel!, *Must We Mean What we Say?*, 338.

fly.²⁵ Our orientation to him, in the form of acknowledgement, must reveal this

fact.²⁶ The other's form of living, the meaning and worth of his life must be understood with respect to its being (a specimen of) the life-form that it is, and with respect to its being *his*. When speaking of the apparent impenetrability of other people's inner lives that motivates a certain kind of skepticism, Cavell says, "...we do not quite know how to

speak of the other's aliveness to himself." Accepting this struggle introduces a humility, an awe in the face of another that Montaigne values so highly, and thinks is so rarely present. Crudely put, Cavell claims that part of what we must acknowledge of our relation to the other is that "We are endlessly separate, for no reason." It is what makes me, me, and you, you. This separateness is required for us to see the wholeness and aliveness of the other, to appreciate, that as Kierkegaard says, "The truly, when it exists, has as much being as God." Appreciating the "aliveness of the other to himself," I take it, is one way of expressing what characterizes the ethical engagement in which we are interested. That is what we are to attend to, and what Miller's cruel pedagogues and

Fingarette's enthusiastic game player fail to attend to. When we are in the relevant state

²⁵ Perhaps this what those like Montaigne are getting at when they do not contrast cruelty with reason or benevolence, but rather, with non-traditional concepts that refer, in some way or another, to the fullness of being of the parties involved, such as "courage" and "joy." He writes of those who exemplify this kind of joy that it is "longer a laborious virtue, or one formed by the ordinances of

reason and maintained by a deliberate stiffening of the soul; it is the very essence of their soul." (310), Though Montaigne does not tell us himself, we might guess that Joy is contrasted to cruelty because in joy, one has a fullness of being that seeks to confirm its fullness in the acknowledgement of the fullness of others'. From such joy, perhaps you can truly see that your cat also has a fullness of being, in which, you are more her plaything than she is yours.

²⁰ In Cavell's writings, these issues of acknowledgment and avoidance are quite involved, and they work for him, in the end, to illustrate an avoidance that he believes plagues philosophical discourses in general, from philosophy of mind to ethics.

of learning, this wholeness and aliveness of the other to himself is part of what we should be able to see.

Thirdly, and perhaps most importantly for us, Cavell understands acknowledgement as an activity that is incomplete unless it is expressed and revealed in action. He summarizes it as follows:

Acknowledgement "goes beyond" knowledge, not in the order, or as a feat, of cognition, but in the call upon me to express the knowledge at its core, to recognize what I know, to do something in the light of it, apart from which this knowledge remains without expression, hence perhaps without possession.²⁷

Cavell, therefore, offers us one way to understand the demand on the perpetrator expressed in the victim's responses: it is a demand for acknowledgement. Cavell's notion of acknowledgement supports our sense that we can "do something" in our responses to moral harm. Our responses seek to engage the perpetrator's acknowledgement, wherein we and the injustices we respond to, are reckoned with and acted upon by him, since this is what acknowledgement entails.²⁸

Thus, Cavell offers three elements that have proven essential to the kind of learning that characterizes the normative dimension of humanity. First, acknowledgement is part of the human form of living: it relates us to others in the world by virtue of our and their humanity (if they are human too). Secondly, it connects us in the right way to the other, that is, with attention to their own aliveness to themselves.

²⁷ Cavell, *The Claim of Reason*, 428.

²⁸ In other words, Cavell's formulation permits us to see that our ability to do something about an injustice hinges on compelling or inspiring the perpetrator to do something. A question still lingers here concerning what counts as the perpetrator's "doing something in the light of" his acknowledgement of us. I will repeat for now that there are any number of actions that count, which can only be evaluated and understood in their particular contexts.

And thirdly, it is expressed in action, providing us with a basis for our sense that seeking the perpetrator's responsiveness, or in this case, acknowledgment, affects him, and thus, in so doing, we are empowered. Cavell's use of "acknowledgement" is one way to characterize the normativity we expect from human being qua human beings, one way of characterizing what we must expect of their ethical engagement with other creatures in their world.

The little Prince

For another vision of the sort of learning that makes being human morally important, we will turn to Saint Exupery's *The Little Prince*. *The Little Prince* shares with Cavell's writings a critique of the kind of knowledge that is defined by the acquisition of information and is often accompanied by arrogance and blindness to meaning, that is, of knowledge bereft of acknowledgement. This sort of knowledge fails to take into account that when the object of that knowledge is another creature, it reveals as much about the learner as the object, and even more about their relationship. Cavell's comment, "What we forgot when we deified reason, was not that reason is incompatible with feeling, but that knowledge requires acknowledgement,"²⁹ is an apt summary of the lessons offered by *The Little Prince*. Knowledge of the little prince himself, and lessons taught by him, is not the sort that can be proven, or that is irrelevant to the one who knows it, or to which the one who

knows it can be impervious and remain unchanged. The pilot
advises that

²⁹ Cavell, *Must We Mean What we Say?*, 337.

we say, when faced with those who are skeptical of the existence of
the little prince, who ³⁰ant *proof*,

The proof that the little prince existed is that he was charming,
that he laughed,
and that he was looking for a sheep. If anybody wants a sheep,
that is a proof that
he exists.³⁰

His existence and his lessons are matters to be acknowledged: they are not matters of doubt and certainty. *The Little Prince*, is, no doubt, a love story, among other things, that offers another, more poetic and less rhetorical illustration of the orientation to others in the world that expresses the moral importance of being human.

The entire story illustrates the importance for human beings of awe, appreciation and acknowledgement of what makes certain life-forms (that of children, adults, foxes, flowers, and little princes) livable. Over the course of the story, the pilot discovers that, like the prince, what makes life livable for him involves the awe, mystery, and acknowledgment of others. But we will look at only two moments from the story here.

In the first, the pilot, whose plane has crashed in the desert, becomes friends with the little prince who has woken him with a request that he draw the little prince a sheep. The pilot has been

³⁰ Saint-

charmed by the little prince, but is unable to satisfy his request. He draws a boa constrictor digesting an elephant, a sickly sheep, a ram, and a sheep that is too old.

The Pilot's first effort, a boa constrictor from the outside digesting an elephant, is sweet, but a purely egocentric representation of his own hopes and disappointments in

³⁰ Saint-

being acknowledged. He first drew the picture, his first and nearly last, titled "Drawing Number One," when he was six. The adults, with whom he shared the picture, saw only a hat. They could not see inside the boa. He tells us:

In the course of this life I have had a great many encounters with a great many people who have been concerned with matters of consequence. I have lived a great deal among grown-ups. I have seen them intimately, close at hand. And that hasn't much improved my opinion of them.

Whenever I met one of them who seemed to me at all clear-sighted, I tried the experiment of showing him my Drawing Number One, which I have always kept. I would try to find out, so, if this was a person of true understanding. But, whoever it was, he, or she, would always say:

"That is a hat."

Then I would never talk to that person about boa constrictors, or primeval forests, or stars...

...So I lived my life alone, without anyone that I could really talk to ³¹

The adults of the pilot's world, it seems, failed to acknowledge the young pilot. If they had, they would perhaps have understood what drawings are to young children, and why he was sharing this one with them. They would have removed the constraints of literal interpretations and thus created the space for the young pilot's imagination to be acknowledged and shared, and thus, to be real, in some sense. The little prince, being a person of "true understanding," immediately discards Drawing Number One as a picture of a boa constrictor digesting an elephant, since he needs a sheep. He makes it immediately clear that his vision is not obscured by the literal, by what can be verified or not. The Pilot's second and third artistic efforts also fail: none is what the little

prince needs, which is very specific and so very important, because the life of his planet, on which lives the flower he loves, is at stake. It is, as he says, "a matter of great

³¹ Saint-Exupery, 5.

consequence." As the pilot discovers, the little prince doesn't need the pilot to produce the perfect drawing of the perfect sheep. He needs something far more elusive. The ethical relationship we are after, and the one represented by the little prince, does not require that one always get things right: it requires that one be open to getting things at all, for it is only there, in being present, that one could ever possibly see what is n·g^h t. ³⁷

The pilot grows tired and impatient and worried about his plane, and finally, as a last resort, he draws a box with holes in it and gives it to the little prince with the following explanation:

This is only a box. The sheep you asked for is inside.

He describes the start of their friendship as follows:

I was very surprised to see a light break over the face of my young judge:

"That is exactly the way I wanted it! Do you think that this sheep will have to have a great deal of grass?"

"Why?"

"Because where I live everything is very small..."

"There will surely be enough grass for him," I said. "It is a very small sheep I have given you."

He bent his head over the drawing:

"Not so small that-Look! He has gone to sleep..."

And that is how I made the acquaintance of the little prince.³³

³² In *The View From Nowhere*, Thomas Nagel describes a particularly tender moment when he was in the men's urinal at Princeton University. There was a spider dangerously close to the water. Nagel relocated the spider to the floor, out of the way of being stepped on, thinking he was saving the spider. The next day, the spider was right where he left it, but dead. Nagel takes this story to illustrate the ways in which our perception of other forms of life fail. I take to it to illustrate the importance of being present to another life, acknowledging another life, even if we are wrong about what that life needs. If we think Nagel's action virtuous, it is because he tried to acknowledge the spider's form of living. He was deadly wrong, and this important (tragic, for the spider), but does not dilute the humanity Nagel Expresses.

³³ Saint-Exupery, IO.

His friendship begins the moment he acknowledges who he is, who the little prince

is, and the nature of their relationship. He is an adult, limited as one, who, unlike the little prince, can no longer see sheep inside of drawn boxes. Nor can he draw well, nor does know exactly why the little prince needs the sheep so badly. And yet, this sheep he draws will be a matter of great consequence, of life or death, at least for the rose and the little prince's love of her. So he offers a non-drawing of it, which we might read as a gesture of respect for that which is beyond doubt and certainty and cannot be given, but can be shared, which is one of the lessons of *The Little Prince* and is often what children

need anyway.³⁴ And indeed, this is how the little prince seems to interpret the drawing

of the box (even if this is not the spirit in which the pilot initially offered it.) It belongs to children to struggle between wanting to be taken care of, and wanting to do things for themselves, but with an audience who can share in and acknowledge what they have done. In drawing the sheep's box, the pilot creates just such opportunity. When he finally realizes the importance of the little sheep to the prince, he demonstrates the kind of learning, the revelation *of* the wholeness of an other to himself, that characterizes the moral importance of the human form of living.

The pilot, however, does not initially realize that the sheep is so important, or that the little prince is so important. And one might be tempted to say, as he does, that his concern, as an adult human being

stranded in the desert, is not with drawing sheep and humoring

smartly dressed little princes; such tasks are not relevant to his form of living-fixing the engine of his plane and finding a source of water are. But indeed, as he

³⁴ The reader might also venture to interpret the ability to appreciate the sheep in the box as akin to the ability to acknowledge the wholeness, or aliveness of the other to himself of which Cavell speaks.

discovers, the sheep, the box and the little prince were of the utmost importance and relevance. He realizes how when he discovers the importance of the box with the sheep to the little prince's life, and when he realizes what it takes, and the lesson to be learned, in acknowledging the importance of the little prince himself.

He is affected, his orientation to the world changed, to incorporate matters of great consequence, such as the awe, openness and responsiveness the little prince represents. A night walk, during which he is able to articulate to himself what the little prince means, leads to him to find nourishment that was of great consequence (in the form of a well in the middle of the desert). The Pilot describes the water as, "a different thing from ordinary nourishment. Its sweetness was born of the walk under the stars, the song of the pulley, the effort of my arms. It was good for the heart, like a present."³⁵

In the second scene from *The Little Prince* we will explore, the little prince demonstrates the attentiveness to another form of living, to what makes it flourish, to its aliveness to itself, that characterizes the ethical relationship we are interested in. The little prince has, as the reader knows, one rose on his planet, to whom he is utterly devoted. But he leaves her, saying, "I was too young to know how to love her."³⁶ He became frustrated with and doubtful of her when she spoke to him of the power of her thorns to defend against anything, even a tiger, of which she had no way *of* knowing (there being no tigers on his planet,

and she having spent her whole life there.)

³⁵ Saint-Exupery, 96.

³⁶ *Ibid.* 37.

So the little prince, in spite of all the good will that was inseparable from his love, had soon come to doubt her. He had taken seriously words which were without importance, and it made him very unhappy.³⁷

Through his journeys, he comes to realize his mistake, which he says was in failing to understand the rose *as a rose*, not in terms of how she describes herself. It does not belong to the rose to describe itself well. "I ought never to have listened to her," he says.

One ought never listen to the flowers. One should simply look at them and breathe their fragrance. Mine perfumed the entire planet. But I did not know how to take pleasure in all her grace. This tale of claws, which disturbed me so much, should only have filled my heart with tenderness and pity.³⁸

In the following exchange he teaches the pilot not only the importance of the rose to himself, but of the rose as a rose, which is after all, what sustains his love for her:

Abruptly, without anything to lead up to it, and as if the question had been born of long and silent meditation on his problem, he demanded:

"A sheep-if it eats little bushes, does it eat flowers, too?" "A sheep," I answered, "eats anything it finds in its reach." "Even flowers that have thorns?"

"yes, even flowers that have thorns." "Then the thorns-what use are they?"

The little prince never let go of a question, once he had asked it. As for me, I was upset over that bolt. And I answered with the first thing that came into my head: "The thorns are of no use at all. Flowers have thorns just for spite!"

"Oh!"

There was a moment of complete silence. The little prince flashed back at me... "I don't believe you! Flowers are weak creatures. They are naive. They reassure themselves as best they can. .. They believe that their thorns are terrible

weapons"

I did not answer. At that instant I was saying to myself: "If this bolt won't turn, I am going to knock it out with the hammer."
Again the little prince disturbed my thoughts:

³⁷ *Ibid.* 36.

³⁸ *Ibid.* 36.

"And you actually believe that the flowers-"

"Oh, no!" I cried. "No, no, no! I don't believe anything. I answered you with the first thing that came into my head. Don't you see-I am very busy with matters *of* consequence!"

He stared at me,
thunderstruck. "Matters *of*
consequence!"...

"You mix everything up together...you confuse everything..." He was really very angry...

"I know a planet where there is a certain red faced gentleman.. He has never smelled a flower.. He has never looked at a star. He has never loved anyone. He has never done anything in his life but add up figures. And all day he says over and over, just like you: 'I am busy with matters of consequence!' And that makes him swell up with pride. But he *is* not a man-he is a mushroom!"

"A what?"

"A mushroom!" The little prince was now white with rage.

"The flowers have been growing thorns for millions of years. For millions *of* years the sheep have been eating them just the same. And is it not a matter of consequence to try to understand why the flowers go to so much trouble to grow thorns which are never any use to them? Is the warfare between the sheep and the flowers not important?...And if I know-I, myself-one flower which is unique in the world, which grows nowhere but on my planet, but which one little sheep can destroy in a single bite some morning, without even noticing what he is doing-Oh! You think that is not important!" His face turned from white to red as he continued: "If some one loves a flower, of which just one single blossom grows in all the millions and millions of stars, it is enough to make him happy just to look at the stars. He can say to himself: 'somewhere, my flower is there...' But if the sheep eats the flower, in one moment all his stars will be darkened...And you think that is not important!" ³⁹

To the prince, the flower is happiness and a worthwhile life. This is what it means to be the little prince, of *The Little Prince*. To the flower, her four thorns are the only defense she has, whether against sheep or tigers, or a lover who does not see her for what she is. Acknowledging her form of living involves understanding her relationship to her thorns: appreciating how they function for her form of

living. The goodness of her thorns is to her as our belief in the humanity

of other humans is to us, or as the

¹⁹ *Ibid.*. 29-39.

recognition of the boa constrictor was to the young pilot. Her fantasy of the tigers, if

we and the little prince understand it rightly, or acknowledge it, is not a lie, nor falsity, nor something about which doubt and certainty are relevant mental postures. It reveals her strength and her fragility. The thorns, whether they are useful to a man or a little prince, or whether or not they defend against tigers, are all she has to defend herself. Their usefulness and her belief in their usefulness (as a flower with mental states like belief) are part of her form of living. Failure to acknowledge this is a failure to acknowledge her.

The result of such a failure would be the disintegration of the relationship between the rose and the Little Prince, which motivates the Prince's life. The idea that human beings are organisms for whom these kinds of real and intense connections with others (human or flower) are central needs no argument. The lesson of the little Prince is, in part, that the orientation to the world that is required for this important aspect of human activity is also the one that makes us morally important: the capacity and need to acknowledge and to sustain a state of learning.

Non-human welfare in ethical and literary discourses

A third source of language to characterize the normative dimension of humanity in which we are interested appears in discussions of human-animal relationships from Plutarch, Montaigne, Cora Diamond, Gaita, Coetzee and others. Often, because these

theorists seek to define our moral relationship with those traditionally considered outside of the moral sphere, they must be especially creative in their efforts. These

writers struggle against the canonical language and questions that have defined ethics

in order to articulate the ethical importance of our treatment of non-moral agents and those who will never be moral agents. Consequently, this discourse is often heard as one that attempts to carve some alternative path around the battle-ground of reason versus sentimentalism, and as revolving around more or less sophisticated critiques of the supremacy of rationality as that which binds us ethically. I think, following Cavell, that it is more useful to see these efforts as an attempt to identify what blinds us from acknowledging the forms of living of others and our "internal relations" to them, rather than as an attempt to dethrone rationality. The critique of a certain kind of knowledge and learning found in these discourses is useful in our efforts to articulate the kind of learning essential for the normative dimension of humanity.

For this final section, I will concentrate on one scene from J.M. Coetzee's *The Lives of Animals*. In "The Philosophers and The Animals," Elizabeth Costello makes a distinction between a scientific and a poetic orientation toward other forms of living. The latter involves being in the state of learning that we have discussed thus far. She offers, as an example, Sultan the ape, who was studied by Wolfgang Kohler. She narrates Kohler's experiments from a poet's interpretation of Sultan's experience. The scientist is interested in determining what Sultan knows, what Sultan can be shown to know,

what apes know and are like. His downfall, according to Costello, is that his idea of "knowledge" is tragically shortsighted. He is looking for one aspect of what counts as human knowledge: instrumental reason. "Reason," Costello remarks, "is one tendency

of human thought. Reason is the being of a certain spectrum of human thinking."⁴⁰

He is looking at ape-life as if it were measurable in terms of one aspect of human life. Consequently, he misses the ape. The poet, on the other hand, is sensitive to the sort of creature in front of him, is able to acknowledge him-which, like the sheep in the box, is less a matter of getting the facts right, initially, than it is about being present to the interaction (and acknowledging the limit." of what we can know of the one in front of us). In Gaita's language, it is a matter of attending to the "realm of meaning," For Cora

Diamond, it involves the use of "moral imagination."⁴¹ Cavell would say, perhaps, that

the poet relates to Sultan as "an *other* to [her] one." With a life all his own, with an "aliveness to himself" that is his own. These are all examples of the sort of attitude towards others in the world that fall under the aspect of being human I am calling "a state of learning." From this orientation, one can see how Montaigne might be prompted to ask his famous question:

When I play with my cat, who knows if I am not pastime more for her than she is for me? We entertain each other with reciprocal monkey trick... If I have my time to begin or to refuse, so has she hers.⁴²

⁴⁰ Coetzee, 23.

⁴¹ In "The Importance of Being Human," Diamond uses as an example of moral imagination a quote from D.H. Lawrence's praise of a book on big game hunting in Africa by H.M. Tomlinson. Lawrence writes, "A gorilla *is* a live thing, with a strange unknown life of its own. Even to get a glimpse of its weird life, one

little gleam of insight, makes our own life so much the wider, more vital." P. 41 As with Cavell's conception of "acknowledgement," Diamond's notion of an "imaginative" sense of life is a full one: it may be expressed in art, or in live action.

⁴² Montaigne, 33 l.

The charm of this quote is that his reflection on his cat begins at the limit of his knowledge of her, respecting the distance between them and thus, allowing for the possibility that the same fullness of life that motivates him, also motivates her.

Costello begins:

Let me recount to you some *of* what the apes on Tenerife learned from their master Wolfgang Kohler, in particular, Sultan...Sultan is alone in his pen. He is hungry: the food that used to arrive regularly has unaccountably ceased coming. The man who used to feed him and has now stopped feeding him stretches a wire over the pen three meters above ground level, and hangs a bunch of bananas from it. Into the pen he drags three wooden crates. Then he disappears, closing the gate behind him, though he is still somewhere in the vicinity, since one can smell him.

The scientist wants to test Sultan's mental capacity, to test his reasoning ability. The Poet-writer offers this account of what the test actually measures:

Sultan knows: Now one is supposed to think. That is what the bananas up there are about. The bananas are there to make one think. To spur one to the limits of one's thinking. But what must one think? One thinks: Why is he starving me? One thinks: What have I done? Why has he stopped liking me? One thinks: Why does he not want the crates anymore? But none of these is the right thought. Even a more complicated thought-for instance: What is wrong with him, what misconception does he have of me, that leads him to believe it is easier for me to reach a banana hanging from a wire than to pick up a banana from the floor?-is wrong. The right thought to think is: How does one use the crates to reach the bananas?

Sultan drags the crates under the bananas, piles them one top of the other, climbs the tower he has built, and pulls down the bananas. He thinks: Now will he stop punishing me?

The answer is: No. The next day...the man also fills the crates with stones so that they are too heavy to be dragged. One is not supposed to think: Why has he filled the crates with stones. One is supposed to think: How does one use the crates to get the bananas despite the fact that they are filled with stones?...

As long as Sultan continues to think wrong thoughts, he is

starved. He is starved until the pangs of hunger are so intense, so overriding, that he is forced to think the right thought, namely, how to go about getting the bananas...

In his deepest being Sultan is not interested in the banana problem. Only the experimenter's single-minded regimentation forces him to concentrate on it. The

question that truly occupies him, as it occupies the rat and the cat and every other animal trapped in the hell of the laboratory or the zoo, is: Where is home, and how do I get there.⁴³

Whether Costello is correct about the content of Sultan's thought is irrelevant to our purposes. Her orientation to him as an individual of a specific form of living is relevant. She is attentive to the sort of creature he is: one who is social, who has come to depend on his keeper, who has come to expect bananas and silly games from him, and who wants to be restored to his natural life. In being so attentive to Sultan's fullness of life, Costello reveals her full humanity, particularly, the aspect of it that makes her a being from whom we may reasonably expect moral agency. Her awareness creates a current between her and Sultan, even if he cannot reciprocate the moral frequencies of it. She presents herself here as an excellent representative of the sort of creature who may be affected by the responses of those she may harm. Kohler, as she says, was probably a good man. In his blindness to his ape subjects, however, he does not reveal what is morally important about being the sort of creature he is (and thus, he misses what is important about being the sort of creature Sultan is). It is also possible that Sultan can be shown, through carefully controlled experimentation like Kohler's, to possess instrumental reason of the sort we have traditionally valued so highly as exclusively our own. This can be proven, perhaps. It is that sort of knowledge. (Where as Costello's observations

⁴¹ Coetzee, 28-30.

cannot and are not).⁴⁴ But that does not ensure that it offers valuable revelations

about ape life. To focus on that sort of information is to miss what is meaningful to Sultan's form of life. It is read off of him what we find often meaningful to our form of life, and thus to blind ourselves to his. In so doing, we forfeit the connectedness with others in the world that is essential to our nature, and we deny the aspect of true learning that underwrites our moral agency (that makes possible and necessary such connectedness).

When the victims of injustice are human, their responses assume that there is something they can demonstrate, teach or show to the perpetrator to engage his capacity to acknowledge them. He needs, perhaps information, a reminder, a call to presentness. In their responses, they call attention to their being other than him, with a form of living and a life of their own that matters to them, in order that he may attend to this, attend to his relationship to it, be altered by it. That is the minimum of what we can expect, given the sorts of creatures we are,⁴⁵ and it defines the normative dimension of

humanity. As a defining feature of our form of living, distinguishing us from acts of nature, it should, if we are flourishing humans, color our relationships with all the lives we encounter, not just other moral agents. The view that we do need not to be

⁴ⁱ I suspect that this is necessarily so: that is one of consequences of respecting the distance between one creature and another, and thus of the space needed for acknowledging the other's aliveness to himself.

⁴⁵ And so, though many crimes cannot be undone, nor totally rectified, our culture, as do many others, places great value on "having learned one's lesson."

responsive to non-human forms of living now needs intense argument, if it is to be considered plausible at all.

I hope by now that the following two pieces of the argument are clear: first, the responsiveness to moral harm (to the responses and behavior of the one harmed), which is critical to moral practices and the concept of moral agency, is rooted in the aspect of the human life-form we have been calling "learning." Second, this is the aspect or operation that relates us to other living beings in a way that gives us reason to believe that a victim's response is capable of affecting the perpetrator and thus, of engendering a relationship in which the victim can, indeed, "do something."

The final two questions for this project concern first, what is the relationship of what I call "learning" to the structure of cruelty as I have presented it, such that cruelty is the turning of a creature's form of living against it destructively. Secondly, what moral good is this learning? I will address each question separately. In short, cruelty offends our sense of ourselves as morally important (and all this entails), whether the victim is

human or not.⁴⁶ It is, quite literally, a violation of humanity in the sense of "humanity"

illustrated by the examples above, of what I call "learning," and what Cavell calls "acknowledgement." Actions of ours that degrade the

form of living of another instead

⁴⁶ The learning orientation to the world does not limit itself only to other human beings, but rather, extends to all living creatures that make up the world humans must get on in. Our sense that humans are such creatures can be offended by one human's behavior to a fellow moral agent, to a child, to a non-human, and also to the living resources that sustain all sentient lives. I agree with Foot that the question is not what reason we have to consider the welfare of other human beings, and, I would add, other living creatures; the question is about why we fail to have those considerations when we do.

of supporting its flourishing, pervert the natural form of living of that creature as

well as
pervertm' g our own.⁴⁷

Non-human forces and factors may lead to the same perversion and degradation of a creature's form of living, resulting in tragedy and misfortune. In a world without human beings, I agree with thinkers such as Nietzsche, Mark Twain, and Foot, creatures would suffer tragedy and misfortune, but not cruelty. For the cat who starves on the pile of grain, it is tragic or unfortunate. If the cat is offered the grain and deprived of meat, for any reason, by a capable human being, then it is cruelty. When we introduce into the mix creatures whose identifying feature is perception, awareness and learning of itself and other living things, we introduce the expectation that the relationships established by these sorts of creatures will exemplify the openness, awe and wonder of the learning that defines them. We are defined by our responses and activities with other living things, by a receptivity to them the rest of the natural world needn't bother with (because it doesn't belong to their life-forms). Thus, if we return to Sultan and Kohler, even though Kohler's treatment of the apes was not dramatic or shocking, Costello may accuse him of cruelty. In essence, he diverted the ape's natural intelligence, problem-solving capacities, and social sensitivity into an artificial context in which they were the source of his confinement and discomfort. Additionally, Kohler himself masquerades, in his experiments as one who is explicitly in the business of being a learner,

of seeking knowledge about other forms of life, when, in practice,
his methods and goals preclude

⁴⁷ Since our own is constituted by a sensitivity to and appreciation of the other's.

the orientation to the world in which the learning that characterizes humanity appears.⁴⁸ His cruelty is thus two-fold.

Similarly, because we are creatures defined by our responsiveness to other living things, Montaigne can lament and call cruel that the stag's tears fail to move the hunter. When the hunter fires his shot, he fails to acknowledge the resources of the stag's form of living, which result in the stag's own nature damning him. The hunter's failure to acknowledge the aliveness of the stag to himself perverts the defining feature of his humanity.⁴⁹ Such acts cause the anxiety that human beings may be deficient as human beings; they may not be the sort of creature's about whose actions others can "do something." A lioness' form of living does not involve, we assume, the capacity to imagine and wonder at how another creature's life matters to it. Ours does. Failure to demonstrate such a capacity is at the heart of cruel acts and is a perversion of our (sense of our) form of living, and most often, the form of living of another creature (whose continued flourishing figures into ours, as does the well-being of others of our own kind).

This is not to say that he didn't learn something. Obviously he did gain knowledge about the instrumental reasoning capacities of apes. This, however, is the acquisition of information, which may be blind to meaning and the life form from whom the information is being gleaned, and thus, is not the sort of learning we are speaking of.

⁴⁹ Note that the cruelty of shooting the stag does not come merely from the fact that the Stag's form of living has failed. As I quoted Foot before, the aspects and operations of a species that should make that species flourish do not necessarily lead to the best life for a particular individual of the species. That need not indicate that the individual is deficient, or that cruelty occurred. The cruelty of shooting the stag can be understood only when we incorporate the hunter who pulls the trigger. The hunter, aware of the Stag's nature (that he will stop and

tum), is blind to the aliveness of the stag to himself, and thus is deficient in so far as he fails to be the sort of creature who responds with acknowledgement to the lives that make up the world.

The final question we will address concerns the normative value of the aspect

of our form of living that I've called "learning" (which includes, acknowledgement, imaginations, etc.). According to the version of ethical naturalism we have been following, the value of this aspect of our form of living, like all other aspects of our form of living, must be evaluated and understood with respect to its necessary function in our form of living. The answer is obvious when we do as Foot recommends and "consider what human good is and how human beings live: in other words, what kind of a living thing a human being is."⁵⁰ The human being is the kind of living thing that must

continually learn or acknowledge. For us, wonder, awe and acknowledgement of other forms of living and the resulting relationships with them, are not only necessary for our survival, but also necessary for our flourishing-as well as the survival and flourishing of the other living creatures that make up the environment in which our living takes place. We may expect this from one another because it is part of what a human being is. It is what makes us morally important.

Often, our actual perception of what makes life livable for ourselves or another creature is limited, and acting according to our limited perception often results in tragedy. But, the normative value of learning as part of our form of living cannot be measured only by its capacity to lead each of us to right or beneficial action (as we have already seen). If our moral value, in fact, rested on the frequency with

which we made morally correct decisions and acted on them, we
would long ago have lost our status as

⁵⁰Foot, 51.

morally important.⁵¹ For instance, the act of acknowledging, as

Cavell notes,

more often than not, involves revelation of a mistake already made. Learning, not knowing, is the aspect of our being most relevant to morality. As a state of being, or form of living, it enables the relationships in which the victim's (or community or potential victims') responses to harm are meaningful.

I will return briefly to our discussion of Elizabeth Costello, Wolfgang Kohler, and Sultan, the ape. If Costello is wrong about the content of Sultan's thinking, if she misinterprets his experience, there is a difference between her mistake and Kohler's that we need to preserve: we might say that Costello is wrong about what Sultan is experiencing and Kohler is wrong about what Kohler is experiencing. They may both be wrong about the ape, but whereas Costello is actually looking at the ape, she is in a relationship with the ape, her mistake contains the possibility of being corrected-by Sultan: she is actually wrong about the *ape*. Kohler, on the other hand, is not looking at the ape, not acknowledging the ape as an ape, and so is blinded from seeing the ways in which he is mistaken about the ape: he is failing to acknowledge what he is looking at and how he is looking.

The relationships engendered by beings in a state of learning and acknowledgement reflect an aspect of human flourishing that relates human beings to others in the world. The moral importance of

this aspect of our being is twofold: one, the creation and maintenance of such relationships are central aspects of individual

⁵¹When we view our moral importance from the perspective of ethical naturalism and attribute our primary moral importance to learning, we can see 1) why our humanity, the primary source of normativity, is not threatened by the frequency with which we may act badly, and 2) how we may violate humanity without having violated secondary moral or legal prohibitions.

human flourishing, flourishing of the species, and flourishing of the other living species that inhabit the world. Two, in a state of active learning, human beings may relate to other creatures with an eye to their wholeness, the value of their lives to them, the value of their lives detached from their value to us. This view of other creatures provides a more objective (less instrumental) view of what they need and are. That is, it is part of the good of human beings to relate to other living things through the lens of their own aliveness to themselves, with an eye to what makes that life livable as the sort of life it is, and with the ability to imagine that life is valuable to a creature merely because it is that creature's to live. This orientation to the world is a human good, as dancing is a good for honey-bees, because of the function it has in our form of living. Acts of cruelty, therefore, are, indeed, violations of humanity that undermine the life form of the victim as well as the relationship between victim and perpetrator, dictated by the perpetrator's life-form as a human being.

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